The Solicitors' Journal.

LONDON, APRIL 26, 1862.

WE ARE INFORMED that the Lord Chancellor has made an Order directing that all the Courts and public offices of the Court of Chancery shall be closed on Thursday next, the 1st May—the day on which the International Exhibition is to be opened. The Order will probably be published by the time this Journal reaches the hands of our readers.

THE WINDHAM CASE has at length been finally disposed of. The great question of costs has been decided by the Lords Justices in accordance with the general expectation of the profession—each party being left to bear his own burden. Amongst the numerous points which this celebrated Inquiry has raised, not the least interesting and recondite is that which turned up at the last moment, respecting the jurisdiction of the Court of Chancery to give costs in such a case. In the petition upon which judgment has been just given, Mr. Windham asked that all the costs of the Inquiry might be paid by those who had obtained the order directing it. It is by no means certain, however, that the Court has power to give such costs. Lord Justice Turner, in his judgment, discusses this point elaborately.

"No case," said his lordship, "was cited at the bar; and after a search which had been made none can be found in which any such order as is asked by this petition was ever made, or even applied for; and I cannot, therefore, but feel some doubt whether there is jurisdiction to warrant such an order being made. The order under which the inquiry is to be made issues, indeed, from the Court of Chancery, and the answer to the Inquiry is returned into that Court, and if the lunacy be found, the proceedings under it are regulated and carried on according to the course, and are ordered by the process, of the court, the care and custody of lunatics and their estates being in the Crown as *parens patriæ*, and the Crown being in these respects *quasi* a trustee. But if the lunacy be not found, there can be no trust or duty in the Crown on which the powers of the Court can attach; and I am not satisfied that the mere fact of the order having issued from the Court can give it jurisdiction to deal with the costs incurred in the issuing or prosecution of it, the order issuing not *ex debito justitiæ*, but in the exercise of the discretion of the Court, and having when issued performed its functions. It is not in the ordinary course for a court of justice to deal with the costs of proceedings when the substantial question in the case has been previously disposed of. I should add, too, that if the lunacy be not found, it would be difficult to say that there could be any jurisdiction over the alleged lunatic as to costs, however vexatious or unnecessarily prolonged his defence may have been; and it is hard to suppose that there can be jurisdiction over the one party and not over the other.

Assuming, however, for the purposes of the case, that the Court had jurisdiction, Lord Justice Turner proceeded to discuss the question upon what principle the Court ought to be guided in giving or refusing costs in such a case?—and he had no hesitation in saying that the mere fact that the verdict of the jury was in favour of the alleged lunatic was not sufficient to make the persons who had obtained the Inquiry pay the costs resulting from it. Upon this question, his lordship observes:—

The Crown has the care and custody of the persons and estates of lunatics as *parens patriæ*. It exercises its parental power at the instance of the relations or friends of the alleged lunatics who apply to it on their behalf; and nothing in my opinion could be more prejudicial to the welfare of the unfortunate persons on whose behalf such applications are made than to give any countenance to the notion that the applications will, of necessity, subject the persons by whom they are made to the payment, not merely of their own costs, but of all the costs which may be incurred, if, in the result, the verdict of a jury should establish that the applications cannot be supported. To lay down any such doctrine would, in many instances at least, go far to paralyse the power of the Crown, and to deprive those who may unhappily be visited with mental disease of the care and protection which, by virtue of that power, is thrown around them in the exercise of the jurisdiction in lunacy. Analogy is not wanting to show that no such doctrine can be maintained. The Crown, as *parens patriæ*, has the care of infants no less than of lunatics, and it is certainly not according to the ordinary course of the Court of Chancery that persons invoking the aid of the Court on behalf of infants should be subjected to the costs consequent upon the application for such aid where the application has been made with a view to the benefit of the infant.

Where the original application for an inquiry is refused upon the ground that it could not be attended with any benefit to the alleged lunatic, and that it was made from improper motives, it has been the practice of the court to make the petitioners pay costs, and the Lord Justice was of opinion "that those who institute a proceeding of this nature from improper motives, ought in all cases to be subjected to the payment of all the costs, at whatever stage of the proceedings the motives may become apparent; assuming, of course, that there is a jurisdiction for that purpose." There is an obvious distinction, however, between the costs of the original application to the Court for an Inquiry and the costs of the Inquiry itself, which takes place in consequence of the order made by the Court and before another tribunal. It was not necessary, however, in the present case to decide this question, inasmuch as, upon the merits, both the Lords Justices were of opinion that the application for the Inquiry was made *bonâ fide* without any wrong motive on the part of the petitioners, and with a view to the best interests of Mr. Windham. Therefore, whether the Court had jurisdiction or not to order the original petitioners to pay costs the result would have been the same.

Lord Justice Knight Bruce, in a judgment which will be read throughout the country with admiration, incidentally alluded to a point in the practice of the Court in such cases which we remember to have seen at the time of the Inquiry commented upon unfavourably in some of the public journals. It was said that if the Court had adopted the simple plan of having a personal interview with Mr. Windham, the order for the inquiry would never have been issued. His Lordship observes—

"Mr. Windham had, with a view to the application for the inquiry and to the opposition, been seen professionally by several medical men, including one of the eminent physicians of whose assistance the Court is in the habit of availing itself on such occasions. That gentleman had seen him on our behalf. His report and the undisputed facts (especially, but not exclusively, those to which I have particularly referred) were such in our judgment as to render an interview between Mr. W. F. Windham and ourselves wholly superfluous; as no calmness, no sobriety of demeanour, no apparant amount of collectedness, on his part, could possibly, we were convinced, justify us towards the young gentleman, towards society, or towards ourselves, in refusing the inquiry. We therefore deliberately, and I think rightly, abstained from the unusual proceeding of seeing the alleged lunatic before directing the inquiry. When I say "unusual proceeding," I refer merely to the time anterior to ordering a commission or an inquiry. Since the appointment of Lords Justices, however, they have more than once had—but I am informed that since Lord Hardwicke's time not in any instance has the Lord Chancellor or Lord Keeper, or have the Lords Commissioners of the Great Seal had—a personal interview with an alleged lunatic preliminary to determining whether to refuse or issue a commission, or refuse or direct an inquiry of lunacy, for the purpose of aiding in deciding that question. Such an examination by a physician appointed by the Court has for many years been not uncommon, and, as I have said, we took that course in the present instance.

THE COMMISSIONERS OF HER MAJESTY'S TREASURY being empowered under the County Courts Act to make, with the consent of the Lord Chancellor, from time to time, alterations in the fees chargeable, they have, under

date of the 10th instant, made the following alterations in the scale of fees to be taken in county courts, viz.:—

For every plaint, one shilling in the pound, in lieu of the sum of tenpence in the pound authorised by the 19 & 20 Vict. c. 108, schedule C.

On every plaint, where the claim or demand exceeds forty shillings, a fee of one shilling to be paid by the plaintiff, which fee shall not be treated as costs in the action.

In addition to the threepence in the pound on the issue of a judgment summons, there shall be paid for the service thereof, where the amount of the original demand then remaining due does not exceed twenty shillings, a fee of sixpence, and where such amount does exceed twenty shillings, a fee of one shilling.

In all cases where the defendant shall either personally, or by his attorney or agent, admit the claim, one-half of the fee paid by the plaintiff for the hearing of the plaint shall be returned to the plaintiff by the registrar of the court, although the Court may have been required to decide upon the terms and conditions upon which the claim is to be paid.

All fractions of a pound, for the purpose of calculating poundage, shall be treated as an entire pound.

The Commissioners have also issued an order to registrars, directing them to cease to take the fee of 1s. now paid for the affidavit of service of any summons in a foreign district.

In consequence of the alarming illness of the Lord Chief Justice Cockburn's sister, his lordship has been summoned to Italy. As his lordship's absence must of necessity extend over several days, Mr. Justice Crompton, at the sitting of the court on Wednesday morning, informed the Bar that motions for new trials before the Lord Chief Justice would not be taken until his return. It would be necessary that a list should be made out, and notice given to the other side. His lordship also intimated that he hoped that would be the only list required this term.

It has for a very long period of time been the custom of her Majesty's Judges, the Lord Mayor, Sheriffs, and Common Councilmen of the City of London to attend service at St. Paul's Cathedral on the afternoon of the first Sunday in Easter and Trinity terms. That ancient ceremony of "churching the judges" was, however, not observed on Sunday last. It appears that an intimation reached the authorities of St. Paul's on Saturday night last that their lordships would not be present on the following day according to custom, but that they would be prepared to undergo the usual ceremony on the following Sunday (to-morrow). At the same time a similar intimation was conveyed to the civic dignitaries, who were thus spared the trouble of taking their places in their cathedral church.

A correspondent of a morning journal, referring to the use of the word "dodge" by a learned counsel in the Court of Exchequer last week, says "the word was used by the learned gentleman as a substantive—'a dodge.' No such substantive is to be found in Johnson, Webster, or Richardson. The verb 'to dodge' appears in the three dictionaries I have named. Webster appends this remark to it:—'This is a common word, very expressive and useful, but not admissible in solemn discourse or elegant composition;' and Johnson says of it—'The word in all its senses is low and vulgar.' So much for the verb. The word 'dodge' used as a substantive is merely 'slang.'"

The judgeship of the Manchester County Court has become vacant in consequence of the death of Mr. Robert Brandt. The appointment is in the gift of the Chancellor of the Duchy of Lancaster. We are not aware that the vacancy has yet been filled up.

M. James Anderton, Solicitor, of New Bridge-street, Blackfriars, who is approaching his eightieth year, was present at the Review at Brighton on Monday last. Mr. Anderton, a few months ago, became a Volunteer: he joined his regiment at the Pavilion, marched with the troops to the Downs, and passed in review before Lord Clyde. Mr. Anderton joined, in the year 1803, the Peterborough Independent Volunteers, with whom he did duty for a considerable period. We believe we may state with confidence that, with the single exception of the Hon. Mr. Byng, Mr. Anderton is the only volunteer serving as a private in 1862 who, in the same capacity, served in the Volunteers sixty years ago. Notwithstanding his great age, Mr. Anderton was on his legs on Monday from ten in the morning till six in the evening.

M. Chaix d' Este Ange, the Procureur-General of the Paris Court has just returned to Paris from a visit to London for the purpose of investigating our system of imprisonment before trial.

The Paris Bar has just lost another of its eminent members in the person of M. Montigny, of the Imperial Court, who died on Wednesday last of apoplexy.

Mr. Henry T. Cole, of the Western circuit, has been appointed Recorder of Penzance, in the room of Mr. Montagu Bere, who has been appointed Recorder of Southampton.

It may not be uninteresting to many of our readers to know that owing to the liberality of the Benchers of the Inner and Middle Temple, some fine beds of various spring flowering plants may now be seen in full bloom in the gardens of those Inns. If the weather should continue favourable, in the course of a week or two the beauty of these gardens will be considerably enhanced by the coming into flower of many other beds of plants.

SECURITY FOR COSTS.

The decision of Vice-Chancellor Stuart in *Howkins* v. *Bennett*, which will be found reported elsewhere in our columns, will, if it should be accepted as settled practice, prove of considerable importance to practitioners in chancery. It appeared that the plaintiff had been resident in Cheltenham at the time when the bill was filed, and that he had in the bill given his address accurately, but that he had afterwards gone temporarily abroad. On his return to this country he went to live "near Brighton," and this was the description he gave of his residence in an affidavit filed in opposition to the motion of one of the defendants that he should give security for costs. It appeared also, however, that the bill had been frequently amended without any change having been made in the plaintiff's address, and it was assumed from the dates, though not distinctly in evidence, that one at least of such amendments had been made after the plaintiff had left Cheltenham. The Vice-Chancellor ordered him to give security for costs.

Now it seems to be well settled, so far as anything can at present be said to be settled, that a temporary absence from the jurisdiction is no ground for compelling a plaintiff to give security for costs, even though he be abroad at the very time at which the motion is made (*Hoby* v. *Hitchcock*, 5 Ves. 699); and it would also appear that the fact of a change of residence in this country after the filing of the bill cannot confer on the defendant any right to have such security—at least no case occurs in the books where a plaintiff has been ordered to give security on this ground, and it is obvious that the case must often have arisen. The case which approaches nearest to this point is that of *Player* v. *Anderson* (15 Sim. 104), where the plaintiff was ordered to give security for costs on the ground that he had changed his residence so frequently since the filing of the bill that it could not be inferred "that he would remain long in any situation." In that case, however, the plaintiff had changed his residence at least four times, the first of such removals having

taken place within a fortnight after the filing of the bill; and it further appeared that at the address given in the bill the plaintiff had merely had lodgings, and had never been permanently resident there.

On the other hand, in the case of *Simpson* v. *Burton* (1 Beav. 556), Lord Langdale refused to order the plaintiffs, who were within the jurisdiction, to give security for costs, although it was proved that neither of them were at the time of filing the bill, "nor had they been for some time previously" resident at the places stated in the bill; and similarly in *Smith* v. *Cornfoot* (1 De G. & Sm. 684), where the plaintiff had inadvertently described her residence wrongly in the bill, Vice-Chancellor Knight Bruce refused to make her give security for costs, though, in consideration of the defendant not putting her to amend the bill, he directed her to pay the costs of the motion. And in *Sibbering* v. *Earl of Balcarres* (1 De G. & Sm 683) the same judge refused to direct a person who gave no better address than "working on the line of railway between Sheffield and Manchester" to give security for costs, and directed the motion to stand over for the plaintiff to amend the description if he could.

In none of these cases mentioned, however, does it seem that the bill had been amended after the original description had become erroneous; and, perhaps, this may safely be assumed to have been the ground of the Vice-Chancellor's judgment. This, however occurred in the case of *Kerr* v. *Gillespie* (7 Beav. 271), where it appeared that the next friend of the plaintiffs had been originally resident in Canada and had merely come within the jurisdiction for the purpose of filing the bill, and that after the bill had been filed she had gone to Boulogne, and was at the time when the bill was amended, staying there with the plaintiffs, who were resident there for the purpose of education. Lord Langdale, however, refused to order security to be given for costs. His lordship stated, that the description of the residence was correct at the time of the filing of the bill, and had become incorrect by the subsequent change of residence: "Though," he said, "by the rules of pleading you ought not to insert in an amended bill allegations of facts which have occurred subsequent to the filing of the bill, yet that rule does not appear to me to apply to the description of the residence of the plaintiffs, and I think that the plaintiffs ought, by the amended bill, to have stated the actual residence of themselves and their next friend. However, the continuing the old address was an error which they might easily have fallen into. There does not appear to have been any wilful intention to mislead, and *though the next friend is now resident abroad*, it appears that it is her intention to return, though the affidavit is somewhat vague as to the time when. There is no suggestion that the defendant apprehends that there is any danger of his losing the costs. I must refuse this application; but, under the circumstances, without costs, and without prejudice to any further application which the defendant may be advised to make on the subject."

From this, at least as taken in connexion with *Holy* v. *Hitchcock*, the rule would seem to be that if the plaintiff is *bona fide* within the jurisdiction, at the time of the commencement of the suit, and then gives his true address, nothing short of actual *residence* out of the jurisdiction, or such wilful concealment as amounts to fraud, will justify the Court in ordering security to be given for costs. The only cases which seem to engraft any exception on this rule are those of *Player* v. *Anderson, (ubi. sup.)* and *Calvert* v. *Day* (2 Y. & C. Eq. Ex. 217). The circumstances of the last-mentioned case were very peculiar, and although there may be some difficulty in reconciling the decisionwith the principles upon which the Court acts in reference to other cases, still it may be right that when another set of circumstances, exactly similar, occur, should that ever happen, that decision should be followed. It appeared from the affidavits in that case that the plaintiff never had been out of the jurisdiction at all, but that he was a hawker and pedlar, without any fixed place of abode, and was therefore unable to describe himself properly, and, *as that was the only reason assigned in his affidavit for having given a wrong address in his bill*, the Court of Exchequer ordered him to give security for costs. The Lord Chief Baron, in giving judgment, observed that "if an attorney would make a hawker and pedlar a plaintiff, he ought to find security for costs." With the greatest possible deference to so high an authority, this would seem to amount to a denial of justice to all the very numerous class whose means exceed £5 (so as to prevent them from making the affidavit necessary for obtaining an order for leave to sue *in forma pauperis*), and yet, who are unable to find any one willing to incur a risk on their behalf to the extent of £100; and it appears directly to contravene the intention, if not the provisions, of the Act for enabling paupers to maintain suits—at least it is difficult to suppose that persons whose whole worldly wealth amounts but to £4 19s., are looked upon by the Legislature with greater favour then those whose means may reach £70 or £80.

However that may be, this at least is clear, that not one of the cases which we have cited comes up to the point decided in *Howkins* v. *Bennett*, and that that case, if it can be supported at all, must be supported on some ground not appearing in the report. Granting that the plaintiff ought to have amended his address on the last occasion on which the bill was amended, that, on the authority of *Kerr* v. *Gillespie*, was merely a ground for refusing him the costs of the application. Granting that the description of his present residence as "near Brighton" was insufficient, that, on the authority of *Sibbering* v. *Balcarres* merely furnished a reason for directing the motion to stand over for the plaintiff to amend his affidavit. But it did not appear upon the affidavits, though it seems to have been assumed by the Vice-Chancellor and the counsel, that the last amended bill which had been served upon the moving defendant had been so served after the plaintiff's change of residence, so as to bring the case within the principle of *Kerr* v. *Gillespie*, and no authority was, or so far as we are aware can be, cited for the proposition, that a plaintiff whose address has been correctly given at first is compellable upon each occasion on which he changes his residence to communicate that fact, accompanied with an accurate statement of his new address, to every defendant.

The decision of the Vice-Chancellor would seem to rest upon some such ground as this, that in consequence of the irregularity or supposed irregularity committed on the occasion of the last amendment, the plaintiff was placed in the same position as if he had described himself improperly at first, and that the motion must, therefore, be treated as if it were made against a plaintiff who had originally misdescribed himself, and did not, by his affidavit in answer to the motion, amend that misdescription. Had this been the case, no doubt the practice is, that the plaintiff must give security for costs. See *Sandys* v. *Long* (2 M. & K. 457), where it appeared that the plaintiff had not resided at the place mentioned in the bill for some months previous to the filing thereof, and Lord Lyndhurst required him to give security for costs. And see *Ex parte Foley* (11 Beav. 456), where a petitioner having on his petition given a false address, and *having neither explained it nor given a true address*, he was ordered to give security for costs: but in that case the petitioner was purposely concealing himself.

In these remarks we do not wish to be understood as in any way disapproving of the rule which appears to be laid down by Vice-Chancellor Stuart, *if the case were new*. On the contrary, we may be permitted to say that we, in common with the greater part of the profession, would have no objection to a General Order providing that it should be the duty of every plaintiff to keep every person whom he had made a defendant

well informed as to his residence for the time being—nay, we think it would be an improvement on the present practice of the Court if the same rule were extended to every defendant who took any active step—by giving notice of motion, taking out a summons in chambers, or otherwise—in any suit. Yet we cannot but perceive the great difficulty that exists in reconciling this decision with the practice of the Court as settled by the earlier cases; and we are sure that all our readers will feel with us that the first requisite to the satisfactory administration of justice in any Court is that the practice therein should be settled, and that any alterations, however beneficial, which it may be thought necessary or advisable to introduce, should be made by constituted authority in a regular manner, and published in some fixed and well-recognised form, and should, above all, apply only to cases coming before the Court *after* such publication.

ENFRANCHISEMENT OF COPYHOLDS—WANT OF APPELLATE JURISDICTION.

A communication which we have received from Messrs. Farrer, Ouvry, & Farrer, and which we give below, is worth the attention of all lawyers interested in copyhold property. It is, no doubt, an evil that any tribunal which frequently has to decide nice questions of law and of evidence requiring further decision by experienced lawyers, should be liable to the chance of being composed to any extent of persons who are not even by profession connected with the law; and it is still more to be deprecated that there should be no appeal from the decisions of such a tribunal. The remarks of our correspondents are certainly not uncalled for, as the appendix to their letter clearly proves; and we think that no reasonable objection can be made to their proposal—namely, that where any question in the nature of litigation arises before commissioners it should be argued and decided in a public forum, and that in certain cases in which it can hardly be denied that an appeal would be desirable, provision should be made for such procedure.

66, Lincoln's-inn-fields, April 15, 1862

Our attention has lately been drawn to a defect in the Acts for the enfranchisement of copyholds, which seems to us deserving of serious consideration. The evil arises from the practice of creating special tribunals without appeal, for dealing with particular classes of circumstances. A tribunal without appeal is always an evil; but in cases where rights are simple, and the amounts involved small, that evil may be of less importance than the delay and expense which necessarily attend more formal and complete proceedings. Hence the benefits derived from the county courts (though even they have publicity, and are subject to appeal). But the evil is greatly augmented, when, in addition to their being without appeal, such courts, composed of persons not necessarily lawyers, and sitting privately, are without the check of a public Bar and public opinion. We venture to believe that, except by inadvertence, the Legislature would never have committed to such courts as we have described any jurisdiction over large amounts of property, or over questions of title to landed rights.

Yet such is the jurisdiction now exercised by the copyhold commissioners.

The following are the steps by which it has arisen:—

In the first place, powers relating to the enfranchisement of copyholds were granted to the old Tithe and Inclosure Commission; and in the earliest of the Enfranchisement Acts, 4 & 5 Vict. c. 35, s. 40, a right of action in one of the superior courts was given to any person dissatisfied with the decision of the commissioners or assistant-commissioner, "on any question, *whether of law or fact*, if the yearly value of the payment directed to be made or withholden shall exceed £20." But by 15 & 16 Vict. c. 51, this right is taken away; for it is enacted, "that if any question shall arise in relation to any alleged custom or the evidence thereof, or any matter of law or fact arising on any enfranchisement, the same shall be referred to the commissioners or assistant-commissioner, and the decision of such commissioners or assistant-commissioner shall be *final*. Provided that where one of the parties dissatisfied with any such decision or *any matter of law* shall be desirous to appeal," &c., &c. Then follows a provision enabling the dissatisfied party to appeal on such matter of *law* only within twenty-eight days of the decision. Thus the right of appeal on matters of fact is taken away.

In the next place, it was considered that questions of manorial custom were questions of fact. So that the existence of a manorial custom, which in many cases depends on the nicest questions of feudal law, and on the admissibility and value of the most ancient and abstruse documentary evidence, is left to the absolute discretion of the commissioners. They, in turn, refer questions of custom to an assistant-commissioner, who sits privately, and makes a private report to them. They (also sitting privately) adopt and act upon that report; and if any disputed question of evidence arises, they do so without giving any direct decision upon it, or any decision at all, except a general conclusion as to the nature of the custom under consideration.

The particulars of the case mentioned in the appendix to this letter will show that where an ancient customary kept with the Court Rolls, was produced, the assistant-commissioner (and the commissioners adopting his view) considered themselves at liberty to disregard the customary, and to except in lieu thereof, as the manorial custom, that which there is every reason to believe was simply an encroroachment of the lord, an encroachment which the Court Rolls proved had sometimes succeeded, and sometimes failed. They rejected the customary without giving any reason for so doing, or any decision on the points discussed, except in the shape of the ultimate finding. They declined to recognise the principle that an heir has universally a right to claim admission. And they assessed the compensation on an assumption contradicted by the only evidence before them; an assumption which will diminish the value of the rights of the tenants of all manors governed by similar customs; as is the case with several of the manors in the neighbourhood of London. Thus, property to the amount of tens of thousands of pounds is involved in their decision. Yet the tenants, as before stated, have no means of bringing their views before any court of authority.

Let us add, in conclusion, that we by no means undervalue the benefits accruing to the public from the enfranchisement of copyholds: far less would we give utterance to one word of anything but deference to the commissioners personally, from whom (and we rejoice in the opportunity of acknowledging it) we have met with uniform courtesy. But it must be remembered that while they have, as has been shown above, the duty of determining the nicest points of customary law and evidence, they are not necessarily even lawyers. The appointment is not so much a legal as a political one; and it is no derogation to the commissioners to point out that the greatest legal eminence alone could render the private and irresponsible exercise of their very extensive and difficult jurisdiction satisfactory to the public. Our sole object (and on this point we do feel anxious) is to prevent the machinery, intended to produce benefit, from becoming an instrument of injustice, either to the lord or the tenant. And to attain this object we think—

1. That on any question of law or fact the tribunal of the commissioners (or assistant-commissioner, as the case may be should be public; and that their decisions, with their reasons, should be given in public.

2. That a right of appeal should be allowed in cases involving property above a given amount.

3. That a similar right of appeal should be allowed in cases involving the principle of assessment to compensation on enfranchisement; or involving any principle of law, custom, or evidence, whatever be the sum at stake in the particular case.

Farrer, Ouvry, & Farrer.

P.S.—Perhaps we should mention that we have sent a letter containing the substance of the above statement to the Incorporated Law Society; and that the council of that body have referred it to a committee for their consideration and report.

Appendix.

In an enfranchisement under the Copyhold Acts the steward of the manor claimed customs as to fines of the following nature:—

1. A nominal fine on the admission of an heir claiming as heir.

2. The like fine on the admission of one already a tenant of the manor.

3. Fine absolutely unlimited on the admission of every other person.

The steward had in his possession an ancient Roll, dated 1st May, 4 Edward IV., which has always been kept with the Court Rolls, and which states that it is

"The rule of customs of the manor of ——— granted by the King, etc."

This customary sets forth, that "A fine in the manor of ——— is one year's quit rent." An objection was therefore taken to the steward's third claim of an unlimited fine. The dispute was referred to an assistant enclosure commissioner, before whom the Court Rolls of the manor were produced. The portion before him did not commence till one hundred years or so after the date of the customary, and proved nothing conclusively as to the fines. From them it seemed that sometimes a nominal fine of one year's quit rent—sometimes of two years' quit rent—sometimes no fine at all—sometimes large fines—had been paid. It appeared, however, particularly from the later Court Rolls, that the lord had frequently taken from strangers fines of a substantial value. Amongst other documents an extent of the time of Cromwell was produced which referred both to the customs stated in the original customary, and to the claim of the lord to an unlimited fine from strangers. On the part of the tenant it was insisted that the customary was the best evidence of the customs of the manor. The assistant-commissioner, however, practically set it aside by finding—

1. That on the admission of the customary heir of any tenant of the manor, provided such heir claims admission as heir, but not otherwise, "A fine is payable to the lord not exceeding in amount two years' quit rents, payable to the lord in respect of the tenement to which such admission is made."

2. That on the admission of any person, then being a copyhold tenant, on the Rolls to any other tenement held of the manor, "A fine is payable to the lord not exceeding in amount two years' quit rents, payable to the lord in respect of the tenement to which such admission is made;" and

3. That upon the admission of every person not being a copyhold tenant on the Court Rolls (except such heir claiming as such as aforesaid), "A fine *arbitrary* is payable to the lord in respect of every tenement to which such admission is made, and that, in assessing such fine, the lord is not restricted in amount to *any number of years' value* of the tenement to which such admission is made."

Thus the assistant-commissioner decided upon the point of evidence that a mere inference from uncertain Court Rolls was of superior authority to the precise rules laid down by the customary.

The tenant was advised that, under the circumstances of the case, the customary was the best evidence of the facts with which it purported to deal, but, from the structure of the Copyhold Acts and from the form of the commissioner's decision, he is prevented obtaining the judgment of any competent tribunal upon this point. The single opinion of the assistant-commissioner, sitting privately and without appeal, has decided a point which will serve as a precedent in all future enfranchisements where the facts are in any degree similar.

Since the decision of the assistant-commissioner led to the result that the lord held it in his power to refuse admission to a stranger by assessing an inordinately large fine, the tenant required the commissioners to state a case for the opinion of one of the superior courts.

One was therefore stated for the Court of Common Pleas.

The question framed by the commissioners for the court was, "Whether the custom upon which the decision of the assistant-commissioner, on the third point decided by him is grounded, is, in point of law, good or bad?" On a doubt having been suggested to them, whether the words sufficiently raised the question, the commissioners wrote as follows:—"The commissioners consider that, as Mr. ——— (the assistant-commissioner) has decided that fines are payable according to the custom, if such custom be bad in law, no fines can be payable."

The Court of Common Pleas, after hearing the question argued, decided that the custom was bad in law, whereupon the commissioners proceeded to assess the compensation.

The property to be enfranchised is worth £220 per annum; the quit rent is 5*s.* 6*d.* per annum. Under the decision of the Court, and the view of the commissioners stated in the above extract from their letter, it seemed clear that the lord could be entitled to little more than the fee simple value of the quit rent, with some slight addition for occasional nominal fines. The lord also claimed heriots; but as none had been paid on the last three admissions on death, and he adduced no evidence to show in respect of what lands they were claimed, his claim in this respect ought not to have been allowed.

The commissioners then prepared their draft award, in which they assessed the compensation for enfranchisement at £748. Objection was at once taken to it on two grounds:—

First.—That after the decision of the Court on the third custom found by the said assistant-commissioner, the lord was not entitled to more than a nominal fine in any event; and,

Secondly.—That in any case the compensation was far too large.

These objections were heard by counsel before the commissioners, who then *for the first time* said that they considered the third finding of the assistant-commissioner to be twofold—viz., 1st, that the lord was entitled, on the admission of a stranger, to an ARBITRARY fine; 2nd, that he was not restricted to *any number of years' value* in assessing such fine. That the second part of the finding was held to be bad by the Court of Common Pleas, but not the first part, and that therefore the lord was entitled to an ordinary arbitrary fine of two years' value on the admission of a stranger.

The tenant argued that the finding of the assistant-commissioner was not twofold in any sense; and that if it were, it would contradict itself. Taking the words, "fine arbitrary," in their ordinary sense of "two years' value," it is impossible to suppose that he could have meant to find that the lord was entitled "to a fine of *two years' value*, and that in assessing "such fine the lord was *not restricted to any number of years' value*." The tenant also pointed out that the lord, according to the opinion of the assistant-commissioner, disproved the ordinary custom of a two years' fine, and he claimed to have the opinion of a Court of law upon the case. The commissioners, however, refused to state a case; and the opinion of his counsel (equity and common law) is that there is no redress, and no mode of bringing their decision before any Court for review.

The tenant also subsequently pointed out that too great a compensation had been awarded to the lord, even supposing that he were entitled to the ordinary two years' fine, by showing that the tenants naturally took advantage of the customs in their favour, and that in his own case, during the last seventy-seven years, there had been three admissions on death to this property; but no fine, except a nominal one of two years' quit rent, had ever been paid during that period. The commissioners however stated that they had gone by their ordinary tables, and had assumed that substantial fines occurred proportionably as frequently in this as in other manors, though they had no evidence whatever on this point; and though they were pressed with the principle which we believe is well established that the lord cannot refuse to admit an heir who offers himself for admission. They added that they considered the value of the two customs, which entitle the tenants to admission on payment of a nominal fine, to be equivalent to one-third of the compensation in ordinary cases, and that they had already deducted one-third in the case before them. They therefore confirmed their decision.

They also gave the lord £40 as a compensation for heriots, though no evidence was brought to prove in respect of what lands such heriots were payable, and no heriot had been claimed by the lord or paid by the tenant on the last three admissions, which were all on death. They added, that they could take no cognizance of the fact that for seventy-seven years the property in question had remained unburdened with the payment of a substantial fine.

Thus, though the very case before them afforded the most complete evidence of the value to the tenants of one of the customs in their favour, that evidence was disregarded, and a compensation unjustified by any evidence whatever was assessed,—1stly. On a custom not claimed nor even admitted by the lord, and contrary to the decisions of the Court of Common Pleas. 2ndly. Against the clear and undisputed evidence of the history of the lands in question.

1st. It seems very inconsistent, as well as unjust, that payment of fines appearing on the Court Rolls should be received as evidence of the custom of the manor in contradiction to the customary; yet that those very Court Rolls should be rejected as evidence of the fines paid for admission to these particular lands.

2nd. It is unreasonable to have assessed the value of the two customs, which operated in favour of the tenant as equivalent to only one-third of the whole value of the lord's interest, when the lord himself, by his past practice, has shown that he considered one only of those customs (the right of a tenant to take admission to any additional lands in the manor on payment of a nominal fine) to be of such value as to reduce his claim for an unlimited fine to one for two years' value.

The Courts.

COURT OF CHANCERY.

(Before Vice-Chancellor Stuart.)

Practice—Security for Costs.

April 24.—*Howkins v. Bennett.*—In this case the plaintiff was described as of Phœnix Lodge, Cheltenham, and it was admitted that that had been his correct address at the time when the bill was filed. It appeared from the affidavit, filed in support of the motion that Mr. Thomas, one of the defendants, had on a previous occasion obtained an order for certain costs against the plaintiff, and that on sending to Cheltenham, he found that the plaintiff was not to be heard of there. He then applied to the plaintiff's solicitors for information, but they did not reply to the application, and he swore that he was informed and believed that the plaintiff had gone abroad, and was now residing out of the jurisdiction. The plaintiff, in answer, swore that he had left Cheltenham some time before, without any concealment, and that he had gone temporarily abroad, but was now resident with his family "near Brighton, in the county of Sussex."

Mr. *Southgate*, for the defendant Thomas, moved that the plaintiff should be ordered to give security for costs.

The Vice-Chancellor, in the course of the argument, asked whether the plaintiff was resident in Cheltenham at the date of the last amendment (Feb., 1861)?

Mr. *Southgate.*—I believe not; but it is not in evidence either way.

The Vice-Chancellor.—Then at the time of the last amendment this was a deliberate misdescription.

Mr. *A. E. Miller*, for the plaintiff, stated that he believed he had been within the jurisdiction for some time previous, and cited *Sibbering* v. *Earl of Balcarres*, 1 De G. & Sm. 683. He argued that the defendant had not applied at Brighton as he ought to have done.

The Vice-Chancellor thought that the facts admitted, coupled with the plaintiff's own affidavit, showed a complete case for security for costs, and made an order in the terms of the notice of motion.

COURT OF QUEEN'S BENCH.

(Sittings in Banco, before Justices Crompton, Blackburn, and Mellor.)

April 23.—*Allen* v. *Clarke.*—These were motions for cross rules. The plaintiff, Allen, is one of the ushers of the Court of Exchequer at Guildhall, and the defendant, Mrs. Clarke, is the executrix of the late Mr. Clarke, solicitor, and clerk of arraigns at the Old Bailey. Allen, it appeared, consulted Mr. Clarke relative to the purchase of some property at Dalston sold by David Hughes, solicitor, who is now undergoing transportation for his frauds, for which Allen paid £412, and the action was brought by Allen against Mrs. Clarke for negligence, &c., on the part of the late Mr. Clarke, in not properly examining the title, &c. The property was sold under crafty conditions as to title, drawn up by Hughes, but not suspected on account of his holding a high position as a solicitor, until the discovery of the now well known Hughes's frauds. On the trial a verdict was returnd for the plaintiff for £412, subject to points reserved.

Mr. *Bovill*, Q.C., to-day moved, on behalf of the defendant, to set the verdict aside; and Mr. *Huddleston*, Q.C., for the plaintiff, moved to increase the verdict by £67 10*s.* or £47 5*s.* —the former being mesne profits for two-and-a-quarter years the plaintiff had had to pay, or for the latter sum, being interest on the purchase money.

The Court granted a rule in each case.

COURT OF COMMON PLEAS.

(Sittings in Banco, before Lord Chief Justice Erle and Justices Willes, Byles, and Keating.)

April 23.—*Kennedy* v. *Brown and Wife.*—This was an action brought by the plaintiff, a barrister, against the defendant for money due upon an account stated. The case was tried before the Lord Chief Justice Cockburn at the last Warwick assizes, when a verdict was returned for the plaintiff—Damages £20,000

Mr. *Macaulay*, Q.C., now moved, pursuant to leave reserved for a rule calling upon the plaintiff to show cause why the verdict should not be set aside and a nonsuit entered, or, in the alternative, for a new trial, on the grounds—first, of misdirection by the learned judge; and secondly, that the verdict was against the weight of evidence. The plaintiff's case was that he, being a barrister residing at Birmingham, and having friends in the neighbourhood in which the defendant, Mrs. Broun, lived, became acquainted with her, and conversed with her upon the subject of the compromise by her counsel in respect of the Swinfen estates. She determined at first to have no more litigation, but subsequently she altered her mind in that respect, and placed the case in the plaintiff's hands. He agreed to take the whole management of the case, appoint attorneys and counsel, and further stipulated that whatever counsel were engaged, he should lead the cause on the trial.

Rule *nisi* granted.

Pending Measures of Legislation.

Companies, &c.

A Bill for the Incorporation, Regulation, and Winding-up of Trading Companies and other Associations.

Whereas it is expedient that the laws relating to the incorporation, regulation, and winding-up of trading companies and other associations should be consolidated and amended: be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows.

[It will be seen that this bill includes both consolidation and amendment. The great majority of its clauses are taken from the Acts which are now being consolidated and repealed. These are enumerated in the 3rd schedule, 1st part (see below). Owing to the great length of the bill, and also because it is mainly a mere consolidation, we give those clauses only which are new, or the marginal notes where they are sufficient.]

1. This Act may be cited for all purposes as "The Companies Act, 1862."

2. This Act, with the exception of such temporary enactment as is hereinafter declared to come into operation immediately, shall not come into operation until the 2nd day of November, 1862, and the time at which it so comes into operation is hereinafter referred to as the commencement of this Act.

6. The liability of the members of a company formed under this Act may, according to the memorandum of association, be limited either to the amount, if any, unpaid on the shares respectively held by them, or to such amount as the members may respectively undertake by the memorandum of association to contribute to the assets of the company in the event of its being wound up.

8. Where a company is formed on the principle of having the liability of its members limited to such amount as the members respectively undertake to contribute to the assets of the company in the event of the same being wound up, hereinafter referred to as a company limited by guarantee, the memorandum of association shall contain the following things; (that is to say,)

(1.) The name of the proposed company, with the addition of the word "limited" as the last word in such name:

(2.) The part of the United Kingdom, whether England, Scotland, or Ireland, in which the registered office of the company is proposed to be situate:

(3.) The objects for which the proposed company is to be established:

(4.) A declaration that each member undertakes to contribute to the assets of the company, in the event of the same being wound up, during the the time that he is a member, or within one year afterwards, for payment of the debts and liabilities of the company contracted before the time at which he ceased to be a member, and of the costs, charges, and expenses of winding up the company, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required, not exceeding a specified amount.

23. Any transfer of the share or other interest of a deceased member of a company under this Act, made by his personal representative shall, notwithstanding such personal representative, may not himself be a member, be of the same validity as if he had been a member at the time of the execution of the instrument of a transfer.

35. Whenever any order has been made rectifying the register, in the case of a company hereby required to send a list of its members to the registrar, the Court shall, by its order, direct that due notice of such rectification be given to the registrar.

45. If any company under this Act, and not having a capital divided into shares, makes default in keeping a register of its directors or managers, or in sending a copy of such register to the registrar in compliance with the foregoing rules, or in notifying to the registrar any change that takes place in such directors or managers, such delinquent company shall incur a penalty not exceeding £5 for every day during which such default continues.

67. Jurisdiction of Vice-Warden of Stannaries.

69. In any action or suit brought by the company against any member to recover any call or other moneys due from such member in his character of member, it shall not be necessary to set forth the special matter, but it shall be sufficient to allege that the defendant is a member of the company, and is indebted to the company in respect of a call made or other moneys due whereby an action or suit hath accrued to the company.

71. Power for companies to refer matters to arbitration.

81. Power of Vice-Warden of the Stannaries.

89. When an order has been made for winding up a company limited by guarantee and having a capital divided into shares, any share capital that may not have been called up shall be deemed to be assets of the company, and to be a debt (in England and Ireland of the nature of a specialty) due to the company from each member to the extent of any sums that may be unpaid on any shares held by him, and payable at such time as may be appointed by the Court.

90. The Court may, as to all matters relating to the winding-up, have regard to the wishes of the creditors or contributories, as proved to it by any sufficient evidence, and may, if it thinks it expedient, direct meetings of the creditors or contributories to be summoned, held, and conducted in such manner as the Court directs, for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting, and to report the result of such meeting to the Court: In the case of creditors, regard is to be had to the value of the debts due to each creditor, and in the case of contributories to the number of votes conferred on each contributory by the regulations of the company.

102. The Court may order any contributory, purchaser, or other person from whom money is due to the company to pay the same into the Bank of England or any branch thereof to the account of the official liquidator instead of to the official liquidators, and such order may be enforced in the same manner as if it had directed payment to the official liquidator.

104. If any person made a contributory as personal representative of a deceased contributory makes default in paying any sum ordered to be paid by him, proceedings may be taken for administering the personal and real estates of such deceased contributory, or either of such estates, and of compelling payment thereout of the monies due.

118. Any powers by this Act conferred on the Court shall be deemed to be in addition to and not in restriction of any other powers subsisting, either at law or in equity, of instituting proceedings against any contributory, or the estate of any contributory, or against any debtor of the company for the recovery of any call or other sums due from such contributory or debtor, or his estate, and such proceedings may be instituted accordingly.

133. Where a company limited by guarantee, and having a capital divided into shares, is being wound up voluntarily, any share capital that may not have been called up shall be deemed to be assets of the company, and to be a specialty debt due from each member to the company to the extent of any sums that may be unpaid on any shares held by him, and payable at such time as may be appointed by the liquidators.

134. A company about to be wound up voluntarily, or in the course of being wound up voluntarily, may, by an extraordinary resolution, delegate to its creditors, or to any committee of its creditors, the power of appointing liquidators or any of them, and supplying any vacancies in the appointment of liquidators, or may by a like resolution enter into any arrangement with respect to the powers to be exercised by the liquidators, and the manner in which they are to be exercised; and any act done by the creditors, in pursuance of such delegated power, shall have the same effect as if it had been done by the company.

135. Any arrangement entered into between a company about to be wound up voluntarily, or in the course of being wound up voluntarily, and its creditors, shall be binding on the company if sanctioned by an extraordinary resolution, and on the creditors if acceded to by three-fourths in number and value of the creditors, subject to such right of appeal as is herein-after mentioned.

136. Any creditor or contributory of a company that has in manner aforesaid entered into any arrangements with its creditors may, within three weeks from the date of the completion of such arragement, appeal to the Court against such arrangement, and the Court may thereupon, as it thinks just, amend, vary, or confirm the same.

140. If from any cause whatever there is no liquidator acting in the case of a voluntary winding-up, the Court may, on the application of a contributory, appoint a liquidator or liquidators; the Court may also, on due cause shown, remove any liquidator, and appoint another liquidator to act in the matter of a voluntary winding-up.

148. The Court may, in determining whether a company is to be wound up altogether by the Court or subject to the supervision of the Court, in the appointment of liquidator or liquidators, and in all other matters relating to the winding-up subject to supervision, have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence, and may direct meetings of the creditors or contributories to be summoned, held, and regulated in such manner as the Court directs for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting, and to report the result of such meeting to the Court: in the case of creditors, regard shall be had to the value of the debts due to each creditor, and in the case of contributories to the number of votes conferred on each contributory by the regulations of the company.

154. As to disposal of books, accounts, and documents of the company.

156. Any person to whom anything in action belonging to the company is assigned, in pursuance of this Act, may bring or defend any action or suit relating to such thing in action in his own name.

164. Where, in the course of the winding-up of any company under this Act, it appears that any past or present director, manager, or officer of such company has been guilty of misappropriating the moneys of the company, or of any misfeasance or breach of trust in relation to the company, the Court may, on the application of the liquidators, or of any creditor or contributory of the company, notwithstanding that the offence is one for which the offender is criminally responsible, examine into the conduct of such director, manager, or other officer, and compel him to contribute such sums of money to the assets of the company, by way of compensation in respect of such misappropriation, misfeasance, or breach of trust, as the Court thinks just.

174. Definition of Joint Stock Companies Acts.

175. Application of Act to companies formed under Joint Stock Companies Acts.

176. Application of Act to companies registered under Joint Stock Companies Acts.

180. For the purposes of this part of this Act, so far as the same relates to the description of companies empowered to register as companies limited by shares, a joint stock company shall be deemed to be a company having a permanent paid-up or nominal capital of fixed amount, divided into shares, also of fixed amount, or held and transferable as stock, or divided and held partly in one way and partly in the other, and formed on the principle of having for its members the holders of shares in such capital, or the holders of such stock, and no other persons; and such company when registered with limited liability under this Act shall be deemed to be a company limited by shares.

183. Previously to the registration in pursuance of this part of this Act of any company not being a joint stock company, there shall be delivered to the Registrar a list showing the names, addresses, and occupations of the directors or other managers (if any) of the company, also a copy of any Act of Parliament, letters patent, deed of settlement, cost book regulations or other instrument constituting or regulating the company, with the addition, in the case of a company intended to be registered as a company limited by guarantee, of the resolution declaring the amount of guarantee.

203. The provisions made by this part of the Act with respect to unregistered companies shall be deemed to be made in addition to and not in restriction of any provisions hereinbefore contained with respect to winding up companies by the Court, and the Court or official liquidator may, in addition to anything contained in this part of the Act, exercise any powers

or do any act in the case of unregistered companies which might be exercised or done by it or him in winding up companies formed under this Act; but an unregistered company shall not, except in the event of its being wound up, be deemed to be a company under this Act, and then only to the extent provided by this part of this Act.

204. After the *commencement of this Act* there shall be repealed the several Acts specified in the first part of the third schedule hereto, with this qualification, that so much of the said acts as is set forth in the second part of the said third schedule shall be hereby re-enacted and continue in force as if unrepealed.

205. No repeal hereby enacted shall affect,

(1.) Anything duly done under any Acts hereby repealed:

(2.) The incorporation of any company registered under any Act hereby repealed:

(3.) Any right or privilege acquired or liability incurred under any Act hereby repealed:

(4.) Any penalty, forfeiture, or other punishment incurred in respect of any offence against any Act hereby repealed:

(5.) Table B. in the schedule annexed to the Joint Stock Companies Act, 1856, or any part thereof, so far as the same applies to any company existing at the time of the commencement of this Act.

206. Where previously to the *commencement of this Act* an order has been made for winding up a company under any Acts or Act hereby repealed, or a resolution has been passed for winding-up a company voluntarily, such company shall be wound up in the same manner and with the same incidents as if this Act were not passed, and for the purposes of such winding up such repealed Acts or Act shall be deemed to remain in full force.

207. Where previously to the *commencement of this Act* any conveyance, mortgage, or other deed has been made in pursuance of any Act hereby repealed, such deed shall be of the same force as if this Act had not passed, and for the purposes of such deed such repealed Act shall be deemed to remain in full force.

Third Schedule.—First Part.

Date and Chapter of Act.	Title of Act.
21 & 22 Geo 3, c. 46. (Parlmt. of Ireland.)	An Act to promote trade and manufactures by regulating and encouraging partnerships.
7 & 8 Vict. c. 110 .	An Act for the registration, incorporation, and regulation of joint stock companies.
7 & 8 Vict. c. 111 .	An Act for facilitating the winding up the affairs of joint stock companies unable to meet their pecuniary engagements.
7 & 8 Vict. c. 113 .	An Act to regulate joint stock banks in England.
8 & 9 Vict. c. 98 .	An Act for facilitating the winding up the affairs of joint stock companies in Ireland unable to meet their pecuniary engagements.
9 & 10 Vict. c. 28 .	An Act to facilitate the dissolution of certain railway companies.
9 & 10 Vict. c. 75 .	An Act to regulate joint stock banks in Scotland and Ireland.
10 & 11 Vict. c. 78 .	An Act to amend an Act for the registration, incorporation, and regulation of joint stock companies.
11 & 12 Vict. c. 45 .	An Act to amend the Acts for facilitating the winding up the affairs of joint stock companies unable to meet their pecuniary engagements, and also to facilitate the dissolution and winding up of joint stock companies and other partnerships.
12 & 13 Vict. c. 108 .	An Act to amend the Joint Stock Companies Winding-up Act, 1848.
19 & 20 Vict. c. 47 .	An Act for the incorporation and regulation of joint stock companies and other associations.
20 & 21 Vict. c. 14 .	An Act to amend the Joint Stock Companies Act, 1856.
20 & 21 Vict. c. 49 .	An Act to amend the law relating to banking companies.
20 & 21 Vict. c. 78 .	An Act to amend the Act seven and eight Victoria, chapter one hundred and eleven, for facilitating the winding up the affairs of joint stock companies unable to meet their pecuniary engagements, and also the Joint Stock Companies Winding-up Acts, 1849 and 1849.
20 & 21 Vict. c. 80 .	An Act to amend the joint stock companies Act, 1856.
21 & 22 Vict. c. 60 .	An Act to amend the Joint Stock Companies Acts, 1856 and 1858, and the Joint Stock Banking Companies Act, 1857.
21 & 22 Vict. c. 91 .	An Act to enable joint stock banking companies to be formed on the principle of limited liability.

Recent Decisions.

EQUITY.

Suit for Recovering Annuity—No Arrears Due.

Burrell v. *Delevante*, M. R., 10 W. R. 362.

An executor is entitled to retain in his hands a sufficient portion of his testator's assets for the payment of debts although they may be payable *in futuro*; and he can also retain assets even where claims against his testator's estate are likely to arise by reason of probable future breaches of covenants into which he has entered. The correlative rights, however, of the parties who may be entitled to future payment, to have a fund set apart for their security, are not so clear. One of the most frequently cited cases upon the latter point is *Linar* v. *Mills*, 2 Sch. & L. 338, before Lord Redesdale, in Ireland. In that case a husband on a separation from his wife covenanted to pay her an annuity during her life, and assigned a pension for his own life and that of another person to trustees as an ancillary fund in case of failure of payment by him; and covenanted that in case of their deaths in the lifetime of his wife all his real and personal estate should be charged with the annuity. The covenantor died, leaving both real and personal estate, and the widow filed her bill to have a sufficient fund allocated, as in case of the death of the other *cestui que vie*, she would have no fund for the payment of her annuity if the assets should be wasted. Lord Redesdale there considered that the relief sought was opposed to the provisions of the deed, the intention of which was that no additional security for payment should be given except upon the deaths of both the persons for whose lives the pension was granted. His Lordship appears to have considered, however, that if the annuity had been given by will, the bill would have been maintainable, especially if the executors had wasted or were likely to waste the assets. In an earlier case, *Slanning* v. *Style*, 3 P. W. 334, Lord Talbot ordered an executor to set apart sufficient funds to secure an annuity which the testator had charged upon the residue of his personal estate; but here the ground of the decision was that the testator had made such a charge, "for generally speaking," says Lord Talbot, "where the testator thinks fit to repose a trust, in such case, until some breach of that trust be shown, or at least a tendency thereto, the Court will continue to entrust the same hand without calling for any other security than what the testator has required." These two cases, therefore, seem to establish the principle that a mere annuitant by deed (and *semble*, even by will) has not a right to have a portion of the grantor's assets after his death allocated to secure the growing payments of the annuity unless the executors or administrators of the grantor are wasting or are likely to waste his assets, or he has charged the annuity, upon some specific property; and upon this principle Sir Lancelot Shadwell (in *Read* v. *Blunt*, 5 Sim. 567) refused an injunction to restrain the executors of the grantor of an annuity from paying his simple contract debts until they had set apart a fund to answer the future payments of the annuity

"If," he said, "there were anything like misapplication of assets in this case, that would be a reason for the Court interfering. The executors may by law, the day before an instalment of the annuity becomes due, apply the whole of the assets to pay the simple contract debts." In *Norman* v. *Johnson* (8 W. R. 300) the same question was raised. The annuitant, after the death of the grantor, filed a bill alleging that she entertained fears that the grantor's assets would be misapplied, and praying to have a sufficient part of his real or personal estate set apart to answer the growing payments of the annuity; but Sir J. Romilly, M.R., refused to do more than to declare that in default of payment of the annuity the real estate of the testator would be liable in the penal sum conditioned in the bond for payment of the annuity; and his Honour ordered the plaintiff to pay the costs of the suit.

In the above-named case of *Burrell* v. *Delevante* an annuity was charged upon the whole of the testator's estate, but in such a manner that the trustees were not compelled to sell any part of the estate for payment or satisfaction of the annuity. It appeared that the annuity had never been in arrear, and that the testator's representatives had, before the bill was filed, made a fair offer to secure the annuity. The only question was, whether the annuitant was entitled to have the growing payments secured by a sale or appropriation of a sufficient part of the estate?—and Sir J. Romilly, M.R., decided that, although the annuity constituted a charge upon the whole of the testator's estate, and made a declaration accordingly, yet it was not incumbent on the trustees to sell any portion of the property for the purpose of providing a fund for the annuity (except at their own discretion) but that when they sold they were bound to set apart sufficient to answer the annuity. The plaintiff was in this case also ordered to pay the costs of the suit. This case may, perhaps, at first sight, appear to carry the rule against annuitants further than had been done in the preceding cases which we have mentioned. The annuity was secured by a will which charged the whole of the testator's estate; and therefore, perhaps, according to the dictum of Lord Redesdale, already quoted, it might be argued that the annuitant was entitled to the relief which he sought; but it must be remembered that the passage in Lord Redesdale's judgment, to which we allude, is only a dictum, and that the general tendency of his observations is that such relief cannot be obtained unless where there is a likelihood of the assets being wasted; and so in *Read* v. *Blunt* the Vice-Chancellor refused to interfere except where there was such probability. In *Slanning* v. *Style* Lord Talbot no doubt required the appropriation of the residue of the testator's estate for the securing of the annuity; but there probably the decision turned upon the fact that the residue was ascertained, and there was no reason why it should not become the security which it was intended to be. But in *Burrell* v. *Delevante*, although the annuity was charged upon the estate of the testator generally, the trustees were not compelled to sell for the purpose of providing a fund, and the Master of the Rolls, therefore, was of opinion that the annuitant, so long as the annuity was paid, was entitled only to the security of such charge.

A class of cases analogous to those which we have been considering has already been alluded to. We shall mention one by way of illustration. In *King* v. *Malcott* (9 Hare, 692) a lessor claimed to have a sufficient part of the assets of his deceased lessee impounded, to answer future probable breaches of covenant in the lease. We have already mentioned that in such a case an executor would be entitled to this relief, but Sir G. J. Turner, V.C., dismissed the claim of the lessor upon the ground that there was no correspondence between the right of an executor and a covenantee.

VOLUNTARY WINDING-UP—JURISDICTION.

Lowndes v. *The Garnett and Moseley Gold Mining Co.* (2), V. C. W., 10 W. R. 264.

There is a bill now before Parliament which has for its main object the consolidation of the numerous Acts of recent years relating to the incorporation, registration, and winding-up of joint stock companies. No doubt this consolidating Act professes also to amend the existing law, but the amendments appear to have little regard to the numerous questions which are constantly arising upon the construction and force of the enactments which are now about to be consolidated. One of the principal innovations introduced by these statutes was a scheme for the voluntary winding-up of companies without the interference of any judicial tribunal. The Joint Stock Companies Act, 1856, provides under what circumstances a company may be wound up voluntarily, and also what consequences shall ensue upon such winding-up; and the Joint Stock Companies Act, 1857, s. 19, enables the Court, if it thinks fit, to adopt all or any of the proceedings taken in the course of the voluntary winding up. Several questions, however, have arisen not merely upon the mode, procedure, and statutory consequences of a voluntary winding-up, but also upon its incidental effects upon the rights of interested parties. In the above-named case the company (the defendants) was in process of being wound up voluntarily when the plaintiff, who was a creditor of the company, filed a bill to establish his claim against the company, and also praying for an injunction to restrain the company from parting with its assets without providing for the plaintiff's debt; and that, if necessary, such winding-up might be continued, subject to the direction of the Court of Chancery. To this bill the defendants pleaded, that by force of the Joint Stock Companies Acts, 1856-7-8, the jurisdiction in the matter was in the Court of Bankruptcy and not in the Court of Chancery; and no doubt this was a very natural and reasonable contention, having regard to the provisions of these statutes. It was undisputed that the company, being registered as a limited company, could have been compulsorily wound up only in the Court of Bankruptcy, which Court, therefore, alone could adopt the proceedings in a voluntary winding-up. Vice-Chancellor Sir W. P. Wood, however, held that the defendant's plea could not be sustained. "The circumstance," said his Honour, "that another tribunal had been provided by the Legislature afforded no ground for holding that this Court must shut its doors upon a claim which was not illegal. . . . . The company did not wish to go to bankruptcy, nor did the plaintiff—he merely wanted to have his claim provided for under the voluntary winding-up, which he did not wish to stop further than that it should take place, if necessary, subject to the directions of this Court." The result of this decision, therefore, will be in effect to enable any creditor to have the voluntary winding-up conducted under the direction of a different tribunal from that which the Legislature has selected for the winding-up of limited companies; and it seems by no means unlikely that after such an order as that which was made in the above-named case had declared jurisdiction in the Court of Chancery some of the shareholders in the company, or another creditor, might obtain an order under the Act of 1856, for the compulsory winding-up of the company in the Court of Bankruptcy, and thus the two tribunals be again brought to a direct conflict of jurisdictions. That this result should be still possible under so many phases is somewhat surprising, considering that we owe the greater part of our legislation on the subject of joint stock companies to desire on the part of the Legislature to put an end to such unseemly and unfortunate conflict.

We recently had occasion to refer at some length to the case of *Re The District Savings Bank (Limited)* as affording another instance in which unfortunate shareholders and creditors have been bandied about between Lincoln's-inn and Basinghall-street, in consequence of the uncertainty as to jurisdiction which has been created by the Joint Stock Companies Acts.

REAL PROPERTY AND CONVEYANCING.

ANNUITY—SEGREGATION OF FUND.

Hill v. *Potts*, V. C. W., 10 W. R. 439.

It was laid down in the case of *Doe d. Knott* v. *Lawton*, 4 Bing. N. C. 455, 6 Scott 303, and confirmed by numerous subsequent cases, that an exception out of a gift will convey as great a quantity of interest as the gift itself. Consequently, an annuity, when excepted out of a grant in fee, is an annuity in fee, although, if granted *de novo* and in a direct form it would be only a grant for life: *Savery* v. *Dyer* (Ambl. 139) In *Nichols* v. *Hawkes* (10 Hare 342) estates were charged with annuities, nevertheless, these were held to be for life only. But although this is the general rule applicable to a grant of an annuity, without words of limitation, it is, however, in every case open for discussion upon the whole will, whether the grantee do not take in perpetuity. The case which has clearly settled this rule or latitude of construction in respect to devises of annuities is *Lett* v. *Randall* 3 Sm. & G. 83, 30 L. J. N. S. 110. In the present case a testator gave unto A. all his "property, real and personal, except £500 a-year," which he bequeathed to B. The doctrine settled by *Evans* v. *Jones*, 2 Coll. 516, is clearly this—that if, out of property given to A., an exception is made to B., and the exception is made solely for giving the excepted property to B., then, if the gift to B. fails, the original gift takes place in its

entirety, including the excepted property, which is considered to be only excepted for a special purpose.

It was urged in argument against the annuitant that there was no segregation of a fund to answer the purposes of the annuity—but a similar difficulty existed in *Stokes* v. *Heron*, 2 Dr. & W. 89, 12 Cl. & F. 191. In that case the words were "my will is, that whatever I die possessed of shall produce to my wife £100 per annum, and to each of my daughters £100 per annum for themselves and their children," and the decree was to set apart a sufficient portion of the property to produce these annuities. The principle established in the present case is the one acted upon in *Stokes* v. *Heron*—viz., that the annuity was to be the produce of the property. It is thus distinguished from those cases where the annuity was merely charged upon a special fund.

CRIMINAL LAW.

Summary Jurisdiction of Justices of the Peace—1 & 2 Will. 4, c. 32.

Legg v. *Pardoe*, C. P., 9 W. R. 234.

A question of some practical importance with respect to the summary jurisdiction of justices of the peace under the 30th section of the 1 & 2 Will. 4, c. 32, has been set at rest by the Court of Common Pleas in this case. It is enacted by that section that if any person whatsoever shall commit any trespass by entering or being in the day time upon any land in search or pursuit of game, &c., &c., such person shall, on conviction thereof before a justice of the peace, forfeit or pay such sum of money, not exceeding £2, as to the justice shall seem meet, together with the costs of the conviction: Provided that any person charged with any such trespass shall be at liberty to prove by way of defence any matter which would have been a defence to an action at law for such trespass. In the same section there is contained a further proviso that no claim of right from the occupier shall avail against the owner to whom the right of the game is reserved. The question arose under the first proviso to this section, whether the justices had summary jurisdiction when a *bonâ fide* claim of title was set up on the part of the defendant. It was laid down in Paley on Convictions, last ed. p. 41, "that where property or title is in question the jurisdiction of the justices of the peace to hear and determine in a summary manner is ousted, and their hands tied from interfering, although the facts be otherwise such as they have authority to take cognisance of."

In the case of *Reg.* v. *Cridland*, 7 El. & Bl. 853, 3 Jur. N. S. 1213, the justices convicted certain persons under the above section, and refused an adjournment for the purpose of allowing them to prove their right to be on the land in question. The conviction was quashed upon other grounds. Lord Campbell in giving judgment said, "according to my impression the justices did not act properly in proceeding when there was laid before them a *bonâ fide* claim of property. No evidence was offered, but a *bonâ fide* claim was made, and where such claim is put forward I think the justices have no jurisdiction and ought not to convict." Crompton J., in the same case said "upon the second and more important point, whether when there is a *bonâ fide* claim of right the magistrates have jurisdiction to go and inquire into the title, against the will of the party charged with the trespass, according to the old authorities and the old principle of law which is supposed to be included in all these enactments giving summary jurisdiction, the law is that after a *bonâ fide*, and *not colourable*, claim of right, the jurisdiction ceases."

In the case of *Morden* v. *Porter*, 7 C. B. N. S. 641, which came before the Court of Common Pleas, the justices had refused to convict under the above section, where the leave and license of the owner and occupier had been pleaded, but no evidence was produced to support such plea beyond a statement by the owner that he would have given leave, if asked. The justices dismissed the summons on the ground that the defendant in that case had acted under the full impression of an implied license. The Court of Common Pleas reversed their decision on other grounds. Williams, J., in giving judgment says, (p. 647), "another point was raised upon the argument; viz.—that we ought to affirm the decision on the ground that, although the defendant had not permission to shoot over the land, it appears that he thought he had, and, therefore, was not conscious that he was a trespasser, and so the *mens rea*, which it is said alone constitutes the offence, was absent. This point is not expressly laid before us by the justices, but I think it right to state my opinion. . . . I think it is quite clear that it is immaterial whether or not the party is conscious at the time that he is committing a trespass." Willes, J., concurred, but Keating J., in the same case, after reverting to the other points, said "If it were necessary to decide the question of *mens rea*, I should require further time for consideration, before I assented to the doctrine that the trespass should be an intentional one. It might well be that the Legislature intended, that that which would be an answer to an action for trespass should also be an answer to a proceeding of this sort."

Both these decisions turned upon other points, so that the question remained, whether, under the before-mentioned proviso in sect. 30, the claim of title *bonâ fide* raised would operate to prevent the jurisdiction of the justices—*i.e.*, whether it would be considered as a good defence to an action at law for such trespass.

With respect to the question discussed in *Morden* v. *Porter*, as to the *mens rea*, on a summary conviction before the justices, it does certainly seem that under a penal statute such as this (*Cattell* v. *Ireson*, El. Bl. & El. 9,) the guilty intention ought to be clearly established. True, no doubt, that an action for assault would lie for an unintentional trespass, but then it would not be indictable as an offence, without a clearly guilty knowledge, and so a *bonâ fide* claim of title ought to be dismissed by the justices.

This very point was brought before the Court of Common Pleas in the above-named case of *Legg* v. *Pardoe* upon the following facts:—At a petty sessions holden at Bridport, in the county of Dorset, before three justices of the peace, an information was laid by T. Legg (the appellant) against the Rev. A. Pardoe (the respondent), for trespassing in pursuit of game, under sect. 30. It was proved that the land was in the occupation of the appellant, and that the right of the game was expressly given to him by his landlord. On the part of the respondent it was not denied that he was upon the land in question for the purpose alleged; but evidence was given that he was there shooting by permission of the Rev. P. M. Compton, who stated that he had made a parol arrangement for the shooting with Lord Sandwich. No evidence was given to show that Lord Sandwich had any right to the shooting. The justices dismissed the information, conceiving (as they stated) that there was a question of right between the parties which they had not power to adjudicate upon. The question was raised before the Court of Common Pleas—viz., whether the justices were empowered and ought they to have convicted the respondent in respect of the said trespass. It was argued that the justices ought to have convicted, because no *bonâ fide* claim was *proved* to have existed, and that in analogy to the County Court Acts where the jurisdiction of the judge is not ousted until he has satisfied himself by investigation that a real claim of title is set up; so that here the justices ought to have proceeded to inquire into the genuineness of the right alleged by the defendant. On the other hand, it was asserted that the *bona fides* of the claim of title, was for the justices to be satisfied with, and that the principle of the rule of law ought to apply here, viz., that wherever the title to property is in question the summary jurisdiction is ousted. Erle, C.J. in confirming the decision of the justices, said, "as we understand the statement of facts here, the justices dismissed the summons, because in their judgment a question of title was raised *bonâ fide*. They state they gave their determination, conceiving that there was a question of right between the parties which they, as justices, had no power to adjudicate on."

The result of these decisions establishes the fact that a *bonâ fide* claim operates to oust the summary jurisdiction of the justices under this section, and in the words of Erle, J., in *Reg.* v. *Cridland*, the statute authorizes the magistrates to try whether the defendant entertained an honest belief that he had a title, and if he had such a belief he ought not to be convicted; so that the question of *bona fides* remains absolutely for the magistrates to decide upon. We cannot do better than cite from Paley on Convictions, the following passage, p. 121 :—"It may be prudent for magistrates when questions of this sort (*i.e.*, title) occur, to abstain from any other inquiry than whether the act was really done with an *idea of authority* entertained at the time, and not fabricated afterwards for the purpose of evading the penalties; and if it appears to have been done under any such real impression, to dismiss the complaint without investigating the legal grounds of the claim. For a matter which would not be a defence to an action for trespass may, nevertheless, form a good ground of protection against a summary conviction.

MUNICIPAL LAW.

Borough Franchise.

Cook, Appellant v. *Humber, Respondent*, C. P., 10. W. R. 427.

The decision in the above case, with the elaborate judgment of Erle, C.J., reviewing all the previous authorities on the

subject, will go far to settle what may be considered a sufficient occupation to confer the elective franchise for a borough under the words contained in the 27th section of 2 Will. 4, c. 45.

The 27th section enacts that in every city, or borough, any person who shall occupy "as owner or tenant any house, warehouse, counting-house, shop, or other building," of the value of £10, shall, if duly registered, be entitled to vote for such city or borough.

The tenour of the older cases went to the extent that where the occupation consisted of merely a portion of a house, to constitute a qualification under this section, such occupation must be exclusive. In *Score* v. *Huggett*, 7 M. & G. 95, the occupier of apartments in a house in which the landlord did not reside was considered as a tenant, and entitled to a vote. In *Wansey* v. *Perkins*, 7 M. & G. 151, occupation of one floor the landlord residing in the house, was held not sufficient to give a vote to the occupier. So *Wright* v. *Town-clerk of Stockport*, 5 M. & G. 33, and *Pitts* v. *Smedley*, 7 M. & G. 85. The question in all these cases, was as to whether or not an exclusive possession and control over the premises was retained in the hands of the occupier—*i.e.* whether the occupier was a *tenant* or merely a *lodger*. In the case of *Jones* v. *Luckett*, 5 C. B. 23, it was decided that an occupier of a floor or counting-house, with the exclusive right thereto, at a sufficient rent to give a vote, was entitled to have such vote, although the landlord had possession of part of the house, and had a key to the outer door in common with the occupier. This decision was grounded on the fact that the landlord did not reside on the property in question in the capacity of master, and also that an apartment or floor of a house, was a building within the above section of the Act.

It was this latter ground that Erle, C.J., in the case of *Cook* v. *Hunter*, did not acquiesce in. After referring to the above-mentioned cases, his Lordship says p. 428, "In these four cases the subject of occupation was in substance the same—viz., part of a house let out in lodgings; but the occupation itself was made the subject of distinction. In two of them the lodger was held to be qualified because his occupation was that of a tenant; in the other two the lodger was held not to be qualified because the occupation was as lodger." The true question to be determined in these cases was, what was the nature of the property occupied, and not upon *the kind of occupation*, but the subject matter of the qualification. The Court decided in this case that part of a house must be actually severed from the remaining part to constitute the former a house within the 27th section, for it was not the intention of the Legislature, to be gathered from the words of that section, to make occupiers of lodgings eligible to vote.

It was upon the principle of actual severance that chambers in the Inns of Court were held to be a dwelling-house: *Evans* v. *Fletcher*, Cro. Car. 473. This principle was conformable to the doctrine of Lord Coke, "that a chamber may be a *domus mansionalis*, even a house divided into several chambers with separate outer doors, but that neither in law nor common sense can a man be said to be in possession of a dwelling-house when he is a mere lodger."

Correspondence.

Registration of Titles—Mr. J. Turner's Paper.

I have read Mr. John Turner's excellent paper on the Registration of Titles. He has overlooked one point—at least as far as country solicitors are concerned. Sir Hugh Cairns is reported to have said "The investigation of title often causes not only expense, but delay and disappointment, &c.," and draws a contrast between the transfer of land and a ship or stock. Now, I will venture to say, that if both vendor and purchaser required it, a large number of purchases might be settled even in a day; but the fact is, the *distant day* for settling is fixed for the convenience of purchasers, who are not supposed to carry their money in their pockets, but have to call it in from various sources. I can truly say I have settled purchases in a day where desired, and I have no doubt many of my professional brethren have done the same. J. S.

Printing *v.* Engrossing of Wills and Deeds.

I am glad to find that Mr. Joshua Williams, in an able paper, read before the Juridical Society on the 24th of March last, has drawn attention to the present mode of folding and writing deeds—a mode, he adds, "which one would think to have been specially invented for the purpose of making them as illegible as possible;" and although I do not quite go along with his proposal "that all deeds, probates of wills, and letters of administration should be printed bookwise on paper of a certain size and shape," it is, I think, well worth the consideration of the authorities at Doctors' Commons whether probates of wills and letters of administration with wills annexed should not be printed either on paper or parchment bookwise. By printing a will, much expense will ultimately be saved, as there is scarcely a case in which it is not necessary or, at all events, would not be convenient, to have half-a-dozen or a dozen copies of a will at a comparatively small expense. The proctor or solicitor proving a will would only have to take into the registry a printed instead of a written facsimile of the original, and he might then have as many copies struck off for use as he may think advisable. He might also add a marginal epitome to the copies, and a memorandum by whom and when and where the will was proved, and under what amount it was sworn.

Printing deeds would, I think, be impracticable; but there is no reason why they should not be *written* bookwise.

We have for many years had nearly all our deeds done in this way, and found no inconvenience from it; the clients, too, greatly prefer them. We generally have a spare sheet or two for memoranda and further deeds. By a little management, the stationer can fasten the skins together by the tape and seals in the margin just as securely as they are now done at the foot of a deed. When the spare sheets are not sufficient for deeds or memoranda which, according to the present system would be endorsed, they can be easily annexed.

Lincoln's-inn. J. E. W.

Procuration Fees.

I would inform your correspondent L. L. D.,* in reply to his communication on this subject in your last number, that I was allowed by the taxing master the usual procuration fee of 5*s.* per cent. in some large mortgage transactions effected under the order of the Court of Chancery. In the cases referred to I was acting for the mortgagees only; the taxation was not of a hostile character, and the taxing master allowed the fee without hesitation on the mortgagor's solicitor stating that he had no objection to the allowance. The fee, of course, covered all preliminary charges for the negociation of the loan up to the contract or proposal which was submitted to the Court. L.

Concentration of the Courts of Justice.

In common with many members of the profession I have witnessed with extreme regret and dissatisfaction (to use the mildest terms that the case allows) the rejection by the House of Commons of the Government bill for the erection of new courts of law and equity. This result is mainly due to the exertions of Mr. Malins and Mr. Selwyn, who have been content to frustrate the desires and well-founded expectations of the great body of the profession rather than forego a miserable party triumph on a question which was not a party question. Vexatious and troublesome as this proceeding is we are justly entitled to regard it as a surprise rather than a defeat, and we may indulge the hope that the measure is merely delayed for a time. It is far too important and too beneficial to the public at large as well as to the profession to be frustrated by a majority of two in a thin house. If the solicitors in the country as well as in London (for the former are almost as much interested in the success of the measure as the latter) will exert themselves to procure and forward petitions, and to inform the county and borough members of the merits of the case, success is certain, notwithstanding the *disinterested* efforts of Messrs. Malins and Selwyn and the opposition of the Society of Lincoln's-inn.

It appears that the opposition to the Government plan is chiefly rested on an apprehension, that the fund commonly known as the *Suitors' fund* will not suffice to defray the expense of purchasing the site, and erecting the buildings which are contemplated; and that thus some large portion of the outlay may eventually fall upon the public. There would be no great harm done perhaps, if it did, since the public would derive a benefit fully equivalent to such an expenditure. There is however a mode at once simple and easy as it is efficacious (and combining several collateral advantages) by which such an objection may be entirely swept away. It is only requisite to pass a short Act of Parliament, or to issue a

* *Ante*, p. 452.

General Order, directing that the balance of cash standing to the credit of each suitor, who shall not express his wish to the contrary within a certain limited period, shall be laid out in stock and carried to his account, and the whole difficulty, of which so much has been made, would vanish. The claims of the suitors in respect of all past dealings with their cash balances being thus fully satisfied, there would be no longer any need to retain an indemnity or reserve fund to meet them, and thus the whole fund produced by the accumulated dividends upon the stock purchased with the suitors' cash, and the increased value of that stock (in all certainly more than a million and a quarter) would be available for the erection of the new courts or for any other purpose connected with the administration of justice.

Not only would the plan thus suggested secure these great advantages, but it would put an end to the practice of *misapplying* the profits derived from the suitors' money—a practice which, having been commenced almost by accident, has resulted in the anomalous and extraordinary state of things which we now witness. The Court would no longer be a party to a transaction which in a trustee would be held reprehensible and punishable, viz., the application of the the income of its suitors' funds to purposes from which the suitor gets no benefit. I observe that Mr. Selwyn is reported to have stated to the House, that he was informed by some person in the Accountant-Genoral's Office, that some solicitor had lately made some large claims upon the Suitors' fund. This statement, coming from such an authority, doubtless had its weight with those who knew nothing of the matter, and thus aided in securing that vast majority of *two*, which was welcomed by Mr. Selwyn and his party with triumphant cheers. But now that the triumph *is* won, we may perhaps be allowed to inquire how far the end justified the use of such means. If Mr. Selwyn knows anything of the subject (which in all charity, we may hope he did *not*), he must have known that no solicitor ever did or could bring forward any such claim, nor can any such claim ever arise until the funds, which are now at 93, shall fall to 86, the average price at which the suitors' cash was invested.

April 22, 1862. LEGULEIUS.

Taking out Certificate.

In reply to your correspondent, "A Constant Reader," in your number of the 5th instant, I beg to refer him to the Rules of Hiliary Term, 1853, from which he will find that it is not necessary for him to take out his certificate within a year—that, in fact, he may take out his certificate at any time upon obtaining a judge's order and giving a term's notice, and that he would not have to pay arrears of duty on taking out his certificate, he not having been in practice. T. W.

Scotland.

CRIMINAL LAW.

Mr. Barclay, the Sheriff-Substitute of Perth, has recently read a paper before the Juridical Society and the Legal and Speculative Society, both of Glasgow, "On the Administration of Criminal Law in Scotland." His object was to take up a few points of contrast between the criminal law of England and Scotland, "as affording interesting questions as to the side on which the balance of justice or expediency inclines." We need hardly inform our readers to which side Mr. Barclay inclines. They may judge by one quotation—"Our southern neighbours," he says, "have ever been slow to borrow from the north any legal institution or formula, but recently they have gradually stolen, without any acknowledgment, some of our most valued laws and customs, disguising them under some Anglicism so that the trade-mark of identity might be obliterated." He first notices the important difference between the procedure adopted in the two countries in the prosecution of criminals. Mr. Barclay, as might be expected, prefers the Scotch plan of public prosecutors to the system which we have in England. He says that "the absence of a recognised public prosecutor has led in England to the introduction, in numerous statutes creating offences of a minor character, of clauses authorising any one to prosecute. This has given rise to a tribe of most dangerous characters—common informers—legal Ishmaelites, whose hands are against every one and every one having his hand against them—vultures of the law, whose food is crime, whose occupation is first to entice into offence and then at once become informer, prosecutor, witness, and receiver-general of the penalties. Unfortunately, in passing British statutes, it is often forgotten that this section of the united empire has established public prosecutors, consequently the common informer is the only recognised prosecutor of many offences against the general weal, and the punishment and consequent restraint of which would be attended with the utmost advantage. Our procurators-fiscal most justly refuse to degrade themselves to the ignoble rank of common informers. The people of Scotland are, generally speaking, too honest to become spies and informers on their neighbours; and therefore the statutory sword of justice has often been allowed to rest in the scabbard of the statute book, whilst on the other side of the Tweed it is in most fierce display. We may give, for an example, the law known as the Forbes Mackenzie Act, for the wise regulation of public-houses, which in many places is a dead letter, because of no recognised prosecutor to enforce its statutory enactments."

As to the important difference of procedure between the two countries in investigating cases of sudden death, Mr. Barclay observes—"In England this is done publicly by the coroner's inquest. In Scotland this is accomplished privately by the fiscal, under superintendence of the sheriff. The superiority of these modes, the one over the other, has recently been made the subject of much discussion. The coroner's inquest has long been complained of as an abuse, and even in the time of Shakspeare afforded material for jest to that master mind. The coroner and his officers being paid by fees have an interest to extend the field of their operations. Nothing can be more harrowing to the feelings of a bereaved family, one of whose members has, by a dispensation of providence, been called in an instant hence into eternity, than to have an inspection of the body of their relative, and a public examination of all the household, reported in the newspapers, and sent abroad throughout the kingdom. In these times, when the whirl of business and excitement in every department sends the blood with accelerated action through the system, hardening the heart and softening the brain, seldom a week elapses in large communities but some one has in a moment been withdrawn from this busy world. Were the investigations confined to cases where there existed grounds of suspicion of death by unfair means, they might be upheld as well adapted to obtain the utmost light on the matter when the circumstances are fresh on the memory, and more with the view of shielding innocence from unjust aspersions than discovering actual guilt. But where a qualified medical practitioner certifies the cause of death to have arisen from natural causes, then such an ordeal of inquiry is worse than useless, it is hurtful both individually and socially. From not an unfrequent boasting of the great superiority of the English coroner's inquest over the system of fiscal examination in Scotland, and especially after a well-known trial for murder by poison from the West of Scotland, where it was said that the want of such public investigation was much felt, instructions were issued by the Lord-Advocate which impose on the fiscals the same extensive duties, if not even greater, than are devolved on the coroner's inquest in England. These rules are embodied in General Orders by the Lord-Advocate, of date 25th August, 1858, and 12th December, 1859. By these rules the fiscal is instructed to make inquiries, —1st, In *all* cases of death *from accident;* 2nd, In *all* cases of *sudden death;* and 3rd, In *all* cases of discovery of a dead body. After inquiry, which is obligatory in all these classes of cases, it rests with him whether he shall have a medical report or take a formal precognition. If these instructions as to all cases of "*sudden death*" were carried out to the letter, the system would become intolerable and the expense excessive. Even under the modified interpretation the orders have received in practice, the expense imposed on counties has become a subject of no trifling importance, and of late has excited much consideration. "The only substantial distinction between the systems of the two countries is therefore publicity. In England the inquiry is made in public, and every person who can give information is invited to do so. The witnesses are all examined on oath. In Scotland the inquiry is made in private, and the witnesses are not examined on oath, unless in very rare instances where a person is suspected of concealing the truth. Parties are no doubt free to wait on the fiscal and give information, but such is a very unusual occurrence. In England cases have been known where the publication of the evidence has induced persons to send to the coroner valuable information on the subject of inquiry. But on the other hand, it is equally true that timid persons will more readily give full information on delicate matters when examined in private. In this country, doubtless, the discretion entrusted to the sheriff, or rather to the fiscal, is very great and uncontrolled by the public. This requires the placing in these positions

persons of education, well remunerated, and, above all, of tried probity, who have the entire confidence of the public. In Scotland one defect is, that if the investigation terminates in no proceedings against any individual, then the grounds on which this determination has been taken are unknown. To avoid this it is of frequent occurrence that persons are put on their trial under a charge of culpable homicide, sometimes even of murder, when it is notorious there is no expectation of obtaining a conviction. But the person is put upon his trial merely to satisfy the public by proving his innocence. In such cases it is openly stated that this harsh proceeding has been taken because of our having no coroner's inquest. To counterbalance this there exists in England the still more cruel remedy, that a person who has never been indicted, defended, or tried, is by the coroner's jury found guilty of wilful murder or manslaughter. The whole evidence is published and commented on through the public press. It is impossible that this person can subsequently have a fair and impartial trial on the charge of which a jury have already found him guilty. On the whole, in some cases of death under suspicious circumstances, an inquest immediately on its occurence might be found of advantage in Scotland, but this ought to be left to the discretion of the authorities, so as to prevent its abuse.

"In absence of a public prosecutor the law of England has provided another safeguard. An accused party, before he is sent to a special jury, has to pass the ordeal of a grand jury. The indictment is laid before them, and the witnesses in support thereof examined, but without the presence of the accused, and in private, the jury being not less than fifteen nor more than twenty-three. If this preliminary jury find a *primâ facie* case they endorse '*a true bill*' on the parchment. If not satisfied with the proof they *ignore* the bill, and the prisoner is liberated without trial. This machinery is obviously faulty. This jury, on an *ex parte* statement, and in private, and in absence of the accused, actually try him. Their finding of a '*true bill*' must inevitably prejudge the case, and prejudice the special jury. Again, if the bill be ignored, the public are in nowise informed of the grounds thereof. The objection of privacy is here as strong as it is to the fiscal in Scotland abandoning a case on precognition or without a commitment for trial. In both cases the investigation is in private. In England it is the act of many by a very heterogeneous and unskilled class, done in haste, and without any record of the evidence whereon they proceed. In Scotland it is done by one person, but responsible and skilled, and transacted at leisure, with a record of evidence subject to the consideration of the sheriff, crown counsel, including the Lord-Advocate, and in some cases even the Secretary of State. It is not to be wondered at that there is now a strong call for the abolition of grand juries as worse than useless. The abolition of this initial ordeal in England is sure to be followed by the institution of officers analogous to our public prosecutors."

There is an important distinction also between the practice of the two countries in reference to statements or declarations made by accused persons. Mr. Barclay thus describes the Scotch practice:—"The accused party is brought up under a warrant for examination. He is examined in private, being previously denied all access to friends or agents. The magistrate is bound to tell him the charge, and to mention that he is not obliged to answer any questions or to make any statement; and whatever he does say of his own free will is to be taken down in writing, which may be read over as evidence against him at his trial. There is a difference of practice as to stating the charge. Some magistrates read over to the accused the charge as contained in the prosecutor's petition; others state it specially; but some carelessly state it in general terms, as theft, assault, or other crime, without any specification. The fiscal then puts the questions from the information or precognition, and frequently the questions are put in a leading manner, showing the accused that the whole affair is known to the authorities, and thus it is needless to deny the matter. The declaration is of necessity taken down more in the language assented to than by any actual statement by the prisoner. It is easy to perceive how a timid person may thus be completely led into statements which he really did not mean, and which are not consistent with fact. After the declaration is taken, the accused may be committed for further examination, and under this warrant detained in prison without right to demand bail in bailable offences, and without permission to be visited by friends or agents. The period of this secluded imprisonment, unfortunately, has not been fixed by statute, but in custom has been held to extend to eight days, a term much too long, where the person may ultimately be liberated without commitment for trial. A second and even a third declaration may be taken, in which case the previous declarations must be read over, and the caution repeated. But the unfairness of these declarations remains to be seen at the trial. The prosecutor uniformly libels the declaration as to be used in evidence against the accused, for which purpose it is lodged with the clerk of court previous to trial, that it may be seen by the counsel or agent for the accused. But, nevertheless, it is in the power of the prosecutor to produce it to the jury or to withhold it. The declaration must either be admitted or proved by two witnesses to be that of the accused, freely and voluntarily emitted after the usual caution given. If, at the close of the examination of the witnesses, it appears that the declaration is thereby contradicted, the prosecutor generally asks it to be read to the jury. If, on the contrary, the statement given by the prisoner is thereby borne out, then it is withheld, and the accused cannot call for it. If the accused avail himself of his privilege and decline to answer questions, then the empty declaration (if such it can be called) is read with the comment that no innocent person would refuse to answer questions. If he does answer questions, then his contradictions are pointed out, and even the very words are criticised with minuteness more applicable to a literary production than the mere statement of a criminal. It is said, and doubtless with some force of truth, that the declaration is found useful in leading the precognition to show the innocence of the party by tracing out the story he tells by further precognition. But if it be so intended, why should it be withheld from the jury in any case? It is said that though the prosecutor gives a list of witnesses, he is not bound to call and examine them all, but may select those he pleases, and he may deal in the same way with the declaration of the prisoner. But the answer is obvious. It is in the power of the accused to call in exculpation any of the witnesses on the Crown list, and why ought not he to have the same advantage with the declaration which has been libelled to be brought as evidence against him?"

Mr. Barclay prefers to this the English practice now embodied in the 11 & 12 Vict. c. 42, s. 18, which requires the magistrate to caution the prisoner before he takes down any statement in writing, which may be used against him afterwards. Two other well-known points of difference between the two countries are thus noticed:—

"The difference in the number of jurors between the two sections of the common country is worthy of notice. It is remarkable that whilst in England the judges were twelve, so were the jurors, and in Scotland the old fifteen judges of Session were accompanied with the like number of jurors in criminal cases. The number of judges in England have been increased, and in Scotland they have been diminished; but the standard of juries remains the same. The practice in England is uniform, but in Scotland there is the strange anomaly that in criminal cases *fifteen* is the number of jurors, whilst in civil cases *twelve* is the rule. In the former a verdict by a majority is sufficient; in the latter, until lately, unanimity was essential, which has now been modified to a majority of three-fourths, or nine out of twelve, but only after being enclosed for three hours. [17 & 18 Vict. c. 59 (1854), 22 & 23 Vict. c. 8 (1859).] This is a decided improvement in our law, not yet adopted in England, where still the strength of stomach is placed in opposition to that of conscience, and he who can hold out longest against the cravings of the former can establish himself master of the consciences of his less abstemious brethren.

"One peculiarity exists in Scotland in the three divisions of verdicts—guilty, not guilty, and not proven. The advantage is decidedly with the two alternatives of England. If a charge be not proved the accused is entitled to be acquitted and not have the brand attached to his future fame and fortune, that the jury acquitted him not being innocent but merely for want of proof of his guilt; but the far more serious effect of this mid-course is that it affords a door of escape to timid jurors for avoiding a determination on the evidence. They are not prepared to acquit or convict. Doubts have been suggested to their minds, and instead of calmly seeking to examine these doubts and to remove or resolve them on one side or another, they hastily cut the knot they do not even venture to untie, and split the difference and give what is no verdict, affirmative or negative, but an evasion of the issue altogether. In civil suits where the pursuer fails to prove his claim the defender is at once assoilzied from the suit. It is not easy to perceive why a similar principle ought not to prevail in our criminal courts One effect of this mode of verdict is detrimental to public morals. The question generally put in case of any criminal charge, is no longer is the charge true, or is the accused guilty,

but can the charge be proved? *Let them prove it*, is a common saying in the mouths of the multitude, including some of whom better things might be expected."

The majority of the points discussed by Mr. Sheriff Barclay have been so frequently commented upon on both sides of the Tweed that it is not easy to adduce anything very novel about them; but as Mr. Barclay is not only a good lawyer, but a very earnest and somewhat quaint writer, our readers will no doubt be glad to see what he has got to say upon these "moot points."

It appears by a parliamentary paper recently issued that the number of persons charged with offences in Scotland in 1861 was 3,229, exhibiting a decrease, as compared with 1860, of 58, or 1·764 per cent. In 1860 the number of males committed for trial or bailed was 2,306, and 2,256 in 1861; females, 981 in 1860, and 973 in 1861. The total number tried, of both sexes, in 1860, was 2,642, and 2,667 in 1861. The total convicted, outlawed, or found insane in 1860 was 2,441, and 2,428 in 1861. In each year 4 were sentenced to death, and in 1861 1 was executed and 3 sentenced to penal servitude. In the year 1860 the number committed who could neither read nor write was 674, and in 1861 it was 651. The number of persons committed for trial or bailed, for the five years ending 1856, was 19,120, and for the five years ending 1861 it was 17,610.

Mr. James Lorimer, advocate, has been appointed professor of public law in the University of Edinburgh.

The Provinces.

BIRMINGHAM.

Mr. Guest, the Registrar of the Birmingham County Court, having published a work entitled "Handbook of the County Courts Practice in Bankruptcy," Mr. Hawkes deputed on behalf of the attorneys practising in that Court, recently addressed Mr. Guest, thanking him for the admirable manner in which he had treated the subject. Mr. Guest said he was much honoured by that public recognition of his labour, and felt rewarded by the favourable way in which his book had been received.

MANCHESTER.

Re Zuill, a Bankrupt.—This case came before Mr. Milne, the Deputy Judge of the County Court, on the 12th instant.

The bankrupt was supported by Mr. *Bent*. Mr. *Carnell* (*G. & R. W. Marsland*) opposed for a creditor for £36.

It appeared from the statements of Mr. Carnell, and from the examination of the bankrupt, that the ground of opposition was a frivolous and vexatious defence to an action brought against the bankrupt; that at the time of her husband's death he owed £104 and had property to the value of £196, thus showing ample to pay all the creditors twenty shillings in the pound. The opposing creditor being unable to obtain payment of his debt (£19 15*s*. 11*d*.) brought an action against her in the Manchester Court of Record, to which she pleaded *plene administravit*, but did not appear to prove her plea. The creditor's solicitors could not tax costs and sign judgment for more than a month after the trial, as the cause was tried on the 10th of August, 1861, and the taxing master left on that day for the vacation. In the meantime another creditor obtained a judgment in the County Court, and issued execution, and sold goods, &c., to satisfy his debt, which was £40; the bankrupt then sold the rest of the goods. The opposing creditor signed judgment on the 16th September, and afterwards caused two shew-cause summonses to be issued against the bankrupt, and she admitted that she had kept out of the way to avoid service.

Mr. *Bent*, for the bankrupt, stated, that the reason why the bankrupt could not pay the creditors was because of the county court execution, under which the goods were sold at a great sacrifice, and he called a witness to prove that the goods remaining unsold were of very small value.

Mr. *Carnell* then applied for an adjournment to procure the attendance of witnesses to prove the value of the goods remaining unsold, but his Honour refused to grant one. Mr. Carnell then contended that the bankrupt had brought herself within the 159th section of the Bankruptcy Act, 1861, by defending the action brought against her by the opposing creditor. By her so doing the opposing creditor, besides losing his debt, had been put to the expense of £16 in order to prove it. His Honour granted the order of discharge.

Foreign Tribunals and Jurisprudence.

FRANCE.

(By Algernon Jones, Esq., of the Paris Bar.)

As a rule, foreign incorporated companies are not allowed to sue in France in their corporate capacity under the name of their director. Certain laws have, however, made an exception in favour of Belgium and other countries. But England is still under the disqualification as well as parts of Germany, among which is Frankfort. An incorporated insurance company (*Société Anonyme*) in Paris of the name of *L'Accident*, had substituted in its liabilities and business another incorporated company established at Frankfort, and called the *Providentia*. One of the insured, a Frenchman of the name of Derrieu, brought an action against the *Providentia* in the Tribunal of Paris under the name of its director. He demurred to the action, on the ground of want of capacity on his part to represent his company in a suit. To this Derrieu replied that the incapacity of the Frankfort Company was active, not passive; that it could not plead but might be impleaded by a French subject; and that it could not claim as an advantage what, in reality, was a disability. The Court, however, decided that there was an entire incapacity in the director of the *Providentia* to appear for the company; incorporated companies of Frankfort not being authorised to sue in France, in their corporate capacity, through their director; that such an incapacity existed as much for defending as for beginning an action; and that, therefore, the suit must be dismissed with costs.

The sixth chamber of the *Tribunal de Police Correctionelle*, in Paris, has recently afforded a remarkable instance of the peculiarities of the French jurisprudence on duelling. There is in the French body of laws, now in vigour, no law directed expressly against duelling; for it has been decided by the Court of Cassation that the Ordinances of the *ancien régime* on this subject had been abrogated by the penal code of 1791. And for a long time the Courts went on dismissing without punishment duellists who had wounded or killed their antagonists, for want of a law which might be considered applicable to them.

Such was the state of things till, in a celebrated case before the Court of Cassation, the Procureur-General, M. Dupin, the same who now, though far advanced in years, still vigourously fills that high office, turned the whole tide of jurisprudence, and caused the Courts to decide that an attempt to kill did not lose its character by reason of the illegal agreement which had brought it on. Such has been the theory ever since, but it cannot be said to have been fairly carried out. For if manslaughter in a duel come under the present criminal law at all, it can be nothing else but murder, of which the French definition is homicide with premeditation. So far as that the French Courts will not follow the law; at least I believe there is only one instance of their having done so, and that in peculiarly atrocious circumstances, where a duel having been agreed upon at six paces with pistols, the party who by the lot he had drawn was to fire first determinedly carried out his murderous right to the letter and shot his adversary dead. But in all other instances the French Courts, by evading the logical consequences of the law, have shown that they consider that a special one ought to be made for duelling, and that it does not properly come under the general principle of manslaughter. Such is the moral which may be drawn from the judgment I have mentioned above, given a short time ago in the case of Stevens, and Gérome the painter. The latter, a distinguished French painter, and whose reputation, by a curious coincidence, dates principally from a celebrated picture representing a duel of two masks after a ball, having acknowledged that he had greviously offended Stevens, a picture dealer, in a manner the nature of which all parties were agreed to conceal, and which, therefore, we are left to conjecture, a duel was agreed upon. The parties met, with pistols, and Gérome was wounded in the arm. Stevens, the challenger and wounder, and the seconds, were cited before the tribunal of *Police Correctionelle*, and, after a trial, in which both president and public prosecutor agreed in congratulating themselves that an arm and hand so valuable to art had not been permanently injured, Stevens, the principal, was condemned to fifty francs, and the seconds to twenty-five francs fine. The offence was treated as an attempt to wound without intent to kill; which, considering that Stevens, having the first shot, had taken a deliberate aim at Gérome with a pistol, seems hardly a correct determination. Of the

legal bearing of the facts nobody certainly, out of sheer love for orthodox law, would think of regretting that Stevens should not have been sentenced for murder, nor complain of the extenuating circumstances found in his case by the Court; but deliberately aiming at a man with a pistol seems hardly to be an indication of an intent not to kill.

TURKEY.

CONSTANTINOPLE.—A petition for the nomination by the English Government of an officer whose duty it shall be to sit permanently in the mixed tribunals of the Tidjaret, and the Liman Odassi has been signed by nearly all the British community of this place. At present, when one of the parties to a suit is an English subject, two of his fellow-countrymen are required to form part of the court. It is difficult to enforce the attendance of these two members of the tribunal, and as a case most invariably undergoes several adjournments, it rarely happens that the same two English merchants are present throughout the various discussions of its merits. Moreover, the number of British subjects who understand the Turkish language, in which the case is conducted, is extremely limited. The substitution of one permanent official to attend each of these courts on alternate days would be of great advantage. The main difficulty to this plan would seem to be a pecuniary one. It is not reasonable that the expense should fall upon the English Government, or rather upon the English taxpayer; and it may be doubted whether any fees imposed on suitors would sufficiently provide for the salary of the new official. It is, however, a matter which merits the attention of the Foreign-office. The question of juries in civil suits in our Supreme Consular Court is now under the consideration of the Home Government.

Review.

Chief Points in the Laws of War and Neutrality, Search and Blockade; with the Changes of 1856, *and those now proposed.* By JOHN FRASER MACQUEEN, Esq., one of her Majesty's Counsel. W. & R. Chambers, London and Edinburgh, 1862.

The title of this little work has the advantage of honestly informing the reader of what he is to expect in its pages. We have seldom seen any law book which is characterized by such neat and laconic statement as this brochure. Mr. Macqueen's object appears to have been, not to produce anything like a treatise upon this branch of international law, but merely to state the leading questions relating to it which recently agitated the minds of publicists on both sides of the Atlantic, and this he has done with remarkable skill, and in a manner calculated to be very useful to those who want to obtain information on the subject. Our readers may form an opinion of the general scope of the work by the following list of chapters or sections into which it is divided:—

1. Belligerents in the enemy's country.
2. Belligerents in their own country.
3. Belligerents at sea.
4. Belligerents and neutrals.
5. Search for contraband of war, &c.
6. Blockades.
7. The prize jurisdiction.
8. Late changes in the maritime law of nations.
9. Proposed changes in the maritime law of nations.

We see that in an advertisement sheet of the book before us a treatise on Public Law is announced as preparing for publication by the same author, and these "Chief Points" are probably but the precursor and foreshadows of the plan of that part of the author's forthcoming work which is to be devoted to the laws of war.

The Office of Trustee, with Supplement, containing the New Law affecting Trustees under Lord St. Leonards' Act, 1859 *and* 1860, *Lord Cranworth's Act,* 1860, *&c.* By R. DENNY URLIN, of the Middle Temple, Barrister-at-Law, Examiner in the Landed Estates Court. Dublin: Hodges, Smith, & Co. London: Butterworths.

Some years ago Mr. Urlin published a very useful manual on the law relating to the office of trustee, which was at the time reviewed in these columns.* He has recently published a supplement, of which the title is given above, and the object of which is to include such of the clauses of recent statutes as relate to the subject of the original work, and also to bring down the decisions to the present time. We can say that this has been done by Mr. Urlin both carefully and skilfully.

* 1 S. J. 297.

REGISTRATION OF TITLES.

We extract the following from a recent number of the *Wakefield Journal and Examiner*:—The number of deeds registered annually at Wakefield approaches in fact very nearly to that of the Registry in Dublin, which extends over the whole of Ireland. The great battle has generally been to retain the local offices of the three Ridings; and that they should not be absorbed into one great central office in London. The history and the present state of the Irish Registry remarkably confirm the propriety of doing so. A paragraph has, to use the phrase of the day, just been going the round of the papers, which gives some insight as to how matters are managed there. The arrears of entries are immense, upwards of 10,000; the arrears of the examination of the entries already made are enormous, exceeding 30,000; and by a return made to Parliament during the present session the arrears of searches are in like proportion. The cost of them also may be reckoned by pounds while the Yorkshire system may be reckoned in shillings. It is therefore not surprising that the Irish Government should have desired to know something of other registries of deeds, in order that improvements may be introduced into the Dublin office. For this purpose they sent Richard James Lane, Esq., of the Irish Bar, in December, 1860, to visit the English and Scotch registries. His official report was made toward the close of last year; and from it we make the following extracts:—

"The registry of the West Riding is the largest of the three in Yorkshire; and the deputy registrar, Mr. John E. Dibb, has taken a great deal of trouble in the arrangement and conduct of it, both of which are excellent. The staff consists of the deputy, two assistants, eight clerks regularly; and occasionally three or four others for a short time." [This is contrasted with the staff of seventy employed in Dublin.] "The registry of deeds in it amounts to from 8,000 to 10,000 each year. From May to December, 1860, the total, including those made by the public, was 684. And with a staff of thirteen, when I was there on Monday afternoon, the transcripts or copies of memorials were only 159 pages in arrear to complete them up to the previous Saturday evening."

With respect to that prime difficulty in a registry of deeds, the index, Mr. Lane recomends a complete change in the Dublin registry; and in doing so says:—

"The form and the system of cutting up the index I have taken from the index of the West Riding of Yorkshire, where the plan has been carried on for some time by Mr. Dibb, and found to answer very well."

Speaking generally of the Dublin office, and contrasting it with those in England, towards the close of his "Report," Mr. Lane adds:—

"From Mr. Dibb, the deputy registrar of the West Riding, or rather from the way in which his office was conducted, (as his absence at the York Assizes prevented me from seeing him,) —I have derived many valuable suggestions, some of which I have adopted in the plan which I have suggested."

Taking, then, this independent testimony of the condition of the West Riding office; and remembering that Land Transfer Bills, which involve also a system of registry of deeds, are now making considerable progress in the House of Lords, it becomes important that measures be adopted to insure that the local offices of Yorkshire be retained, whatever course non-register counties may see fit to adopt. A central registry for Ireland has proved fruitful of delays and of heavy cost; our local registries, on the other hand, and more especially that of the West Riding, are efficiently conducted; there are no appreciable arrears of entries; searches are seldom more than one day in being completed; the cost of registry is but a few shillings for each deed; and the expense of searches, from the facilities which are now afforded, is on the most moderate scale. These are advantages which are not likely to be attained upon any system of centralization; and the public therefore should be on their guard against it. It is not nearly so much a question for large landed proprietors as one which materially affects the interests of the smaller freeholders, to whom facility and cheapness are indisputable requisites. Neither is it merely a question for the solicitors; for costly processes may bring them larger profits on each separate conveyance, while cheaper plans will extend the number of transactions. For these reasons we consider that we only do a simple duty in thus directing attention to this important subject.

Births, Marriages, and Deaths.

BIRTHS.

IZARD—On Jan. 19, at Wellington, New Zealand, the wife of Charles B. Izard, Esq., Barrister-at-Law, of a son.
KINGDON—On April 16, at 29, Marlborough-hill, St. John's-wood, the wife of Paul A. Kingdon, Esq, Barrister-at-Law, of a son.
NEWTON—On April 14, at Wandsworth, Surrey, the wife of T. H. Goodwin Newton, Esq., Barrister-at-Law, of a son, stillborn.

MARRIAGES.

FRESHFIELD—BORRER—On April 23, William D. Freshfield, Esq., son of the late James W. Freshfield, jun., Esq., of Bank-buildings, to Elizabeth Catherine, daughter of the Rev. Carey Borrer, rector of Hurstpierpoint.
GRAIN—COOPER—On April 15, John Peter Grain, Esq., of Taversham, Cambridgeshire, to Agnes, daughter of William Cooper, Esq., Barrister-at-Law (Norfolk Circuit), of 13, Bernard-st, Russell-square.
PAULL—WILLIS—On April 22, Henry Paull, Esq., M.P., of the Hon. Society of the Middle Temple, Barrister-at-Law, to Marianne, daughter of Henry Willis, Esq., of Hill-street, Berkeley-square.
TASKER—OTTEY—On April 22, Frederick Talbot Tasker, Esq., of Bedford-row, to Agnes Rosamond, daughter of Colonel Philip Downing Ottey, of Montpelier-road, Brighton.
WEYMOUTH—BROAD—On April 22, Thomas Wyse Weymouth, Esq, of Kingsbridge, Solicitor, to Anne Philippa Broad, daughter of the late William Broad, Esq., of Padstow, Cornwall.

DEATHS.

BRANDT—On April 15, at Pendleton, Manchester, Robert Brandt, Esq., Judge of the County Court, aged 65.
CHEYNE—On April 9, John Cheyne, Esq., Solicitor, late of Liverpool.
SHAND—On April 20, at Aberdeen, Robert Shand, Esq., Advocate, in the 62nd year of his age.
STONE—On April 20, Christabel Ida May, daughter of Henry Stone, Esq., of the Inner Temple, Barrister-at-Law, aged 11 months.
TANNER—On April 16, at Speenhamland, near Newbury, Berks, Mary Elizabeth, wife of John Tanner, Esq., of that place, Solicitor, aged 59.

London Gazettes.

Professional Partnership Dissolved.

Tuesday, April 22, 1862.

Wilson, George, & Frederick Hewett Jeanneret, Attorneys and Solicitors (Wilson & Jeanneret), 11 New-inn, Strand, Middlesex. By mutual consent. April 19.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

Friday, April 18, 1862.

Bean, Thomas, The Shades, 15 Clement's-lane, London, Licensed Victualler. July 14. Sol Clark, 30 Bury-st, Westminster.
Cotton, Charles, 53 South John-st, Liverpool, Commission Agent. May 1. Sol Worship, Liverpool.
Duckering, Christopher, Market Stainton, East Barkwith, Lincolnshire, Yeoman. May 13. Sol Park, Hedon.
Harris, Rev. James, Wellington, Somersetshire, Clerk. May 28. Sol Webb, 7 Lincoln's-inn-fields, London.
Knyvett, Carey Seymour, Esq., 3 Regent-st, Middlesex, Banker. May 31. Sols Amery, Travers, & Smith, 25 Throgmorton-st, London.
Lister, Sarah, Sheffield, Widow. May 30. Sols Furniss & Son, Sheffield.
Peacock, Philip, Kilham, Yorkshire, Farmer. July 1. Sols Foster & Tonge, Great Driffield.
Richardson, Louisa Hart, formerly of Queen's-rd, St. John's-wood, Middlesex, and late of College-crescent, St. John's-wood, Spinster. June 1. Sols Fyson, Tathams, Curling, & Walls, 3 Frederick's-pl, Old Jewry.
Russell, Sarah, Appleborough Green, Warwickshire, Widow. May 23. Sols Browning & Son, Redditch.
Smith, William Masters, Camer, Meopham, Kent, Esq. May 31. Sol Cowburn, 10 Lincoln's-inn-fields.
Weaver, Richard, Pool Bank, Tarvin, Cheshire, Gent. May 23. Sols Walker & Smith, Chester.
White, John, 18 Louisa-st, Beaumont-st, Mile End-rd, Middlesex, Gent. June 16. Sols Lewis & Watson, 25 Clement's-lane, Lombard-st.

Tuesday, April 22, 1862.

Chappel, George, 9 Queen's-place, Cambridge Heath-road, Bethnal-green, Middlesex, Baker. May 30. Sol Peachey, 17 Salisbury-sq, London.
Ditchfield, John, Nether Knutsford, Cheshire, Gent. May 28. Sols Roscoe & Sedgley, Knutsford.
Edwards, Ann, Stockton, Salop, Spinster. May 24. Sols Phillips, Shiffnall.
Green, Priest, Southrepps, Norfolk, Carpenter. May 15. Sol Scott, North Walsham.
Grieve, Honourable Elizabeth, 35 Grosvenor-pl, Hyde Park Corner, Middlesex, Widow. June 21. Sol Rivington, 1 Fenchurch-buildings, London.
Grieve, John Wallis, 35 Grosvenor-pl, Hyde Park Corner, Middlesex. June 21. Sol Rivington, 1 Fenchurch-bldgs, London.
Lewis, Rosamond, 22 Cadogan-pl, Middlesex, Widow. May 27. G. D. Engleheart, 1 Eaton-pl, South, Eaton-sq, Middlesex, Barrister-at-Law, Executor.
Marshall, Sir Chapman, formerly of Russell-sq, and late of Pembridge-crescent, Notting-hill, Middlesex, Knight. June 21. Sol Rivington, 1 Fenchurch-bldgs, London.
Meredith, Harriet, formerly of Fortis House, Muswell-hill, and late of Shaftesbury-villas, Hornsey-rise, Middlesex, Widow. June 21. Sol Rivington, 1 Fenchurch-st, London.
Morrell, Charles, Sloane-st, Chelsea, Middlesex, and Bridge-house, Wallingford, Berks, Esq. July 1. Sol Garrard, Olney, Buckinghamshire.
Phillips, Thomas, 2 East side of Bethnal-green, Middlesex, Gent. May 12. Sol Taylor, 38 Coleman-st, London.
Pinhorn, John, Southampton, Gent. May 18. Sol Warner, Winchester.
Warriner, Rev. Enoch Hodgkinson, Footscray, Kent, Clerk. June 21. Sol Rivington, 1 Fenchurch-bldgs, London.
Weaving, John Guy, Oxford, Contractor. May 22. Sols J. & G. Hallam, Oxford.

Creditors under Estates in Chancery.

Last Day of Proof.

Friday, April 18, 1862.

Beard, James, Waltham Abbey, Essex, Broker. April 30. Swainson *v.* Clark, V.C. Stuart.
Coope, John, Osborne-st, Whitechapel, Middlesex, and of Shooter's-hill, Kent, Sugar Refiner. May 5. Helme *v.* Hodgson, V.C. Stuart.
Evans, Samuel Jones, Cardigan, Ship Owner and Merchant. May 27. Jenkins *v.* Evans, V.C. Stuart.
Evans, Elizabeth, Widow, Cardigan, Ship Owner. May 27. Evans *v.* Evans, V.C. Stuart.
Fluester, Edward, British Oak Public House, Great Western-rd, Paddington, Middlesex, Licensed Victualler. May 9. Flukes *v.* Fluester, V.C. Kindersley.
Furber, John, Oatlands, Adbaston, Staffordshire, Yeoman. May 28. Furber *v.* Furber, M.R.
Garde, Margaret, Manor House, Clifton, Somersetshire. May 24. Thornton *v.* Taylor, V.C. Stuart.
Grosso, Robert Francis, Club-chambers, Regent st, Middlesex, Esq. May 27. Williams *v.* Anderson, M.R.
Lindsay, Ralph, Durham Lodge, Lower Norwood, Surrey, Esq. May 31. Loughborough *v.* Duncan, V.C. Stuart.

Tuesday, April 22, 1862.

Davis, Joseph, Piddlehinton, Dorsetshire, Esq. May 29. Davis *v.* Johnson, V.C. Stuart.
Hill, Henry, Hartlepool, Master Mariner. May 12. Hill *v.* Hill, M.R.
Hill, Charles Joseph, Higher Broughton, Lancashire, Commission Merchant. May 13. Hill *v.* Hill, V.C. Wood.
Holden, Ralph, Haslingden, Lancashire, Doctor of Medicine. Oct 29. Holden *v.* Holden, V.C. Wood.
Molden, Joshua, Biggleswade, Bedfordshire, Auctioneer. May 27. Burton *v.* Newbery, M.R.
Neale, William, Greenwich, Kent, Builder. May 26. Neale *v.* Neale, M.R.
Shaw, William, Stapleford, Nottinghamshire, Gent. May 26. Figgin *v.* Sills, V.C. Wood.
Sugden, Moses, Bradford, Innkeeper. May 16. Ambler *v.* Sugden, V.C. Wood.

Assignments for Benefit of Creditors.

Friday, April 18, 1862.

Baines, Charles, & Charles Frederick Baines, Sheffield, Wine and Spirit Merchants. March 22. Sols Fyesmith & Wightman, Sheffield.
Gee, William, Leicester, Hosier and Draper. March 20. Sol Smith, 1 Frederick's-pl, Old Jewry.
Knight, David, 9 Lawn-pl, South Lambeth, Surrey, Commercial Traveller. March 24. Sols Miller & Smith, 6 Chatham-pl, Blackfriars, London.
Lee, Francis, Barhill, Malpas, Cheshire, Farmer. April 12. Sol Jones, Whitchurch.

Tuesday, April 22, 1862.

Brown, Robert, Hadfield, Derbyshire, Grocer. March 25. Sol Sutton, Manchester.

Deeds registered pursuant to Bankruptcy Act, 1861.

Friday, April 18, 1862.

Adair, John, Maryport, Cumberland, Bookseller. April 9. Assignment. Reg April 17.
Allen, Robert, Bristol, Organ Builder. March 22. Conveyance. Reg April 16.
Ayers, George Nutton, Watt's-pl, High-st, Chatham, Kent. April 4. Assignment. Reg April 15.
Baker, James Ebenezer, & James Wenham, Hellingley, Sussex, Grocers. April 2. Assignment. Reg April 17.
Bates, James, 24 Old Millgate, Manchester, Lancashire, Drysalter. March 25. Composition. Reg April 17.
Bauer, Otto, College-st, Masbrough, Rotherham, Yorkshire, Professor of Languages and Wine Merchant. March 22. Assignment. Reg April 17.
Belsten, James, & William Fivash, Avon-st, Bristol, Wheelwrights. March 26. Assignment. Reg April 16.
Bowater, George Henry, 18 Crown-st, and King-st, Westminster, Middlesex, China Dealer. April 1. Composition. Reg April 17.
Bridger, Charles, Worthing, Sussex, Builder. March 18. Assignment. Reg April 12.
Bull, Robert, Hitcham, Suffolk, Blacksmith. March 21. Conveyance. Reg April 17.
Chambers, William, 12 Huntley-st, Tottenham-court-road, Cabinet Maker. April 15. Assignment. Reg April 17.
Chute, John Coleman, Bath-row, Birmingham, Warwickshire, Theatrical Manager. April 14. Composition. Reg April 15.
Ellingham, James Thomas, Great Yarmouth, Norfolk, House Carpenter. April 9. Assignment. Reg April 17.
Exley, Charles, Wakefield, Yorkshire, Malster and Corn Factor. March 22. Assignment. Reg April 15.
Fawsitt, John, Manchester, Joiner and Cabinet Maker. March 26. Conveyance. Reg April 17.
Gee, William, Leicester, Hosier and Draper. March 20. Assignment. Reg April 16.
Hoare, Cornelius, 5 Sparrow Corner, Tower-hill, London, Clothier and Outfitter. April 11. Composition. Reg April 15.
Horn, Robert, Ipswich, Suffolk, Sailmaker and Innkeeper. March 31. Assignment. Reg April 15.
Isaacs, Elias, & Simon Solomon, 12 Princes-st, Spitalfields, Middlesex, Wholesale Stationers. March 18. Assignment. Reg April 16.
Jackson, Joshua, Wentworth, Yorkshire, Miller. March 31. Assignment. Reg April 15.
Jepps, Thomas, 12 Paternoster-row, London, Bookseller. April 12. Composition. Reg April 16.
Jones, Margaret, Wolverhampton, Staffordshire, Grocer. March 19. Composition. Reg April 16.
Jones, Morgan, Carmarthen, Draper. March 24. Composition. Reg April 17.

McKie, John, Rochdale, Lancashire, Travelling Draper. March 24. Assignment. Reg April 17.
Luck, John, Wainscott, Frinsbury, Kent, Dealer. April 8. Assignment. Reg April 15.
Maddocks, William, 57 Henry-st, Birkenhead, Cheshire, Greengrocer. April 4. Composition. Reg April 16.
Milner, Samuel, Folly Hall, Huddersfield, Yorkshire, Shuttle Maker. March 21. Assignment. Reg April 15.
Neilson, John, Rochdale, Lancashire, Travelling Draper. March 24. Assignment. Reg April 17.
Newton, Robert, Bridgewater, Somersetshire, Butcher. March 19. Composition. Reg April 16.
Norris, William John, Gosport, Alverstoke, Hants, Grocer. March 19. Assignment. Reg April 16.
Pepper, William, Woolwich, Kent, Draper. March 19. Assignment. Reg April 16.
Poole, Stephen, 44 Chester-st, Kennington-rd, Lambeth, Surrey, Timber Merchant. March 25. Assignment. Reg April 17.
Scholes, Julia, Waterloo, Ashton-under-Lyne, Lancashire, Widow. April 9. Composition. Reg April 16.
Senior, Edward, Dewsbury Moor, Yorkshire, Blanket Manufacturer. April 1. Assignment. Reg April 16.
Simpson, Peter, 48 Tipping-st, Ardwick, Manchester, Lancashire, Travelling Draper. April 1. Assignment. Reg April 16.
Smith, John, 151 High-st, Chatham, Kent, Fishmonger. April 9. Assignment. Reg April 15.
Stevens, Charles, Portsmouth, Hants, Beer Retailer and Refreshment-house Keeper. April 10. Conveyance. Reg April 16.
Taylor, Harry, 63 Western-rd, Brighton, Sussex, Stationer. April 4. Assignment. Reg April 15.
Taylor, James, Manchester, Lancashire, Packing Case Maker. March 25. Composition. Reg April 17.
Webb, Richard William, Jury-st, London, Gent. March 21. Inspectorship. Reg April 16.
Wedge, John, Catchem's Corner, Sedgley, Staffordshire, Green Grocer. April 8. Assignment. Reg April 14.
Whittle, Eutychus, Little's-lane, Wolverhampton, Staffordshire, Brazier. March 27. Composition. Reg April 16.
Wilson, John, jun., Rugeley, Staffordshire, Grocer. April 3. Assignment. Reg April 16.
Wright, Richard George Pope, 66A, Berwick-st, Soho, Middlesex, Haberdasher and Trimming Seller. March 17. Conveyance. Reg April 14.

TUESDAY, April 22, 1862.

Baines, Charles, & Charles Frederick Baines, Sheffield, Wine and Spirit Merchants. March 22. Assignment. Reg April 19.
Baxter, Samuel, 3 Paradise-row, Old Ford-rd, Bow, Middlesex, Ships' Smith. March 28. Composition. Reg April 19.
Butcher, Henry James, 104 King-st, Great Yarmouth, Agent to the East of England Monetary Association (Limited). March 24. Composition. Reg April 19.
Dodd, Francis, 69 Cornhill, London, Jeweller. March 31. Conveyance. Reg April 14.
Fendelow, John, Horncastle, Lincolnshire, Ironmonger. March 24. Conveyance. Reg April 19.
Jennings, John, Melksham, Wilts, Draper. March 26. Conveyance. Reg April 17.
Jenkins, David, Charlotte-st, Bristol, Mason. April 10. Conveyance. Reg April 19.
Knights, James Watling, Woodbridge, Suffolk, and Ipswich, Auctioneer. April 16. Conveyance. Reg April 19.
Poole, Robert John, & Thomas Gibbard, Leyton, Essex, Plumbers. March 21. Assignment. Reg April 10.
Simpson, John, Higher Temple-st, Chorlton-upon-Medlock, Manchester, Travelling Draper. March 26. Assignment. Reg April 19.
White, Charles Felgate, Durham, Grocer. March 24. Conveyance. Reg April 19.
Willis, Charles, North Camp, Aldershot, Southampton, Messman. March 22. Assignment. Reg April 19.

Bankrupts.

FRIDAY, April 18, 1862.

Abbott, George Washington, Devereux-court, Temple, Middlesex, Solicitor. Pet April 14. London, May 6 at 10. Sol Driver, 25 Poultry.
Adams, James, Robert-st, Milford, Pembrokeshire, Builder. Pet April 12. Haverfordwest, April 26 at 12. Sol Parry, Pembroke Dock.
Adcock, Alfred, Birmingham, Gun Implement Maker. April 15. Birmingham, May 5 at 12. Sols James & Knight, Birmingham.
Anwyl, Henry Ellis, Aberdare, Glamorganshire, Beerhouse Keeper. April 11. Cardiff, May 1 at 11.
Ashton, Frederick, Milton-st, Nottingham, Picture Frame Maker. Pet April 14. Nottingham, May 7 at 10. Sol Heath, Nottingham.
Austin, William, Lame Dog-road, Norwich, Tavern Keeper. Pet April 9. Norwich, April 28 at 11. Sol Chittock, Norwich.
Bailey, John, Oakenshaw, Clayton-le-Moors, Lancashire, Quarryman. Pet April 15. Manchester, April 29 at 12. Sols Rowley & Son, Manchester.
Baker, Edward, Birmingham, Attorney-at-Law. Pet April 14. Birmingham, May 2 at 11. Sol Fitter, Birmingham.
Bancroft, Charles, Shakspeare Villas, Shakspeare-st, Nottingham, Tailor and Draper. Pet April 15. Nottingham, May 7 at 10. Sols Hawkridge & Heathcote, Nottingham.
Best, Joseph, Kidderminster, Attorney-at-Law. Pet April 14. Birmingham, April 28 at 12. Sols James & Knight, Birmingham.
Bird, Joseph, Martin's Fields, Stratford, Essex, Machinist. Pet April 8. Royston, May 7 at 12. Sol Munday, 6 Essex-st, Strand.
Bland, George, George-st, Bradford, Woolsorter. Pet April 15. Bradford, May 13 at 10 30. Sol Hutchinson, Bradford,
Bowen, Evan, 29 John-st, Toxteth-park, Liverpool, Time Keeper. Pet April 14. Liverpool, May 1 at 3. Sol Hughes, Liverpool.
Brock, John William, 4 Stiverd-place, Weston-super-Mare, Tobacconist. Pet April 10. Weston-super-Mare, April 29 at 11. Sols Smith & Raby, Weston-super-Mare.
Brown, William Patey, Weymouth, Leather Seller. Pet April 15. Exeter, May 7 at 12. Sol Hirtzel, Exeter.
Buckley, Gad, Arundel-street, Mossley, near Ashton-under-Lyne, Carter. Pet April 15. Ashton-under-Lyne, May 1 at 12. Sol Rawlinson, Manchester.
Buscall, John, 6 Edward-st, Blackfriars-road, Surrey, Cabinet Manufacturer. Pet April 14 (in formâ pauperis.) London, May 1 at 12. Sol Aldridge, 46 Moorgate-st.
Butteris, Valentine, Dartmouth, Printer and Auctioneer. Pet April 15. Totnes, April 29 at 11. Sol Michelmore, Totnes.
Carter, William, 14 Campbell-street, Old-park, Paddington, Middlesex, Porter in a Warehouse. Pet April 16 (in formâ pauperis.) London, May 3 at 11. Sols Aldridge & Bromley, 46 Moorgate-st.
Casburn, Robert, 22 South-st, Cambridge, Agent. Cambridge, May 1 at 12.
Clarke, George, Nottingham, Beer Seller. Pet April 14. Nottingham, May 7 at 10. Sol Lees, Nottingham.
Coldham, Henry, Magdalen-st, Norwich, Butcher. Pet April 15. London, May 6 at 11. Sol Doyle, 2 Verulam-bldgs, Gray's-inn, for Sadd, jun, Norwich.
Davies, Rees, Llanvals, Brecknockshire, Licensed Victualler. Pet April 15. Brecknock, April 30 at 4. Sol Bishop, Brecknock.
Davies, Thomas, Commercial-st, Newport, Monmouthshire, Clothier. Pet April 9. Newport, April 30 at 1. Sol Cathcart, Liverpool.
Dee, John, South Stockton, Yorkshire, Licensed Victualler. Pet April 16. Stockton-on-Tees, May 8 at 2.30. Sol Griffin, Middlesborough.
Dobson, John, Bradford, Comb Maker. Pet April 14. Leeds, May 5 at 11. Sols Bond & Barwick, Leeds.
Durrant, Amos Lewis, Grooms Bridge, near Tunbridge Wells, Miller. Pet April 11. London, April 29 at 3. Sols Harrison & Lewis, 6 Old Jewry.
Dutton, George, Redfern-st, Miller-st, Manchester, Rabbit Hawker. Pet April 16. Manchester, May 6 at 9.30. Sol Rawlinson, Manchester.
Eyton, Rebecca, Wrexham, Denbighshire, Widow, Dealer in Butcher's Meat. Pet April 14. Wrexham, April 29 at 12. Sol Jones, Wrexham.
Fairburn, Antonio José, and George Nourse Hill, 67 Barbican, London, Gold and Silver Refiners. Pet April 15. London, May 2 at 11. Sols Bothamley & Freeman, 39 Coleman-st.
Farmer, James, Cowley-lane, Chapeltown, Ecclesfield, Yorkshire, Labourer. Pet April 15. Sheffield, April 30 at 2. Sol Patteson, Sheffield.
Fox, Frederick John, Liverpool, Joiner. April 12. Liverpool, April 28 at 11.
France, James, Castle Foregate, Shrewsbury, Whitesmith. Pet April 12. Shrewsbury, May 5 at 10. Sol Chandler, Shrewsbury.
Fryer, Joshua, 7 Haymarket, Middlesex, Shirt Maker. Pet April 6. London, May 6 at 11. Sols Lawrance, Plews, & Boyer, 14 Old Jewry Chambers.
Godwin, Jonathan, Stratford-upon-Avon, Licensed Victualler. Pet April 16. Stratford-upon-Avon, April 30 at 11. Sol Lane, Stratford-upon-Avon.
Goodwin, William Higginbottom, 91 Chorley-st, Bolton, Sawyer. Pet April 14. Manchester, April 28 at 11. Sol Barrow, Manchester.
Gilbert, Thomas Field, jun, 4 Hebron-place, Bedminster, Bristol, Officer in Her Majesty's Customs. Pet April 7. Bristol, May 5 at 11. Sols Clifton & Benson, Bristol.
Grayer, James, Langley, Oldbury, Worcestershire, Beerseller. Pet April 16. Birmingham, May 5 at 12. Sol Parkson, Westbromwich.
Greene, Harry, Hepworth, near Scole, Suffolk, Farmer. Pet April 14. London, April 29 at 1.30. Sols Nichols & Clarke, 9 Cook's-ct, Lincoln's-inn, for Salmon, Bury St. Edmund's.
Grogan, Michael, 54 Marlborough-rd, Peckham, Surrey, Japanner. Pet April 14. London, May 6 at 10. Sol Baylis, Church-court-chambers, Old Jewry.
Hall, Patrick Blaney, Printing-house-lane, London, General Agent. Pet April 14 (in formâ pauperis). London, May 3 at 11.30. Sols Aldridge & Bromley, 46 Moorgate-st.
Harrison, Thomas, Thornset, Derbyshire, Butcher. Pet April 16. Chapel-en-le-Frith, May 5 at 10. Sol Hodgson, Manchester.
Harlan, Robert, 2 The Vineyard, Richmond, Surrey. Pet April 14. London, May 3 at 1. Sol Holt, Quality-ct, Chancery-lane.
Hart, Morris, 5 Queen's-st, Brompton, Middlesex. Pet April 15. London, April 30 at 1. Sol Miller, 10 Philpot-lane.
Harwood, William, Ipswich, Farmer. Pet April 16. London, May 3 at 12. Sol Last, 13 Gray's-inn-sq.
Hayward, Sidney, 3 Park-rd, Southsea, Portsea, Boot and Shoe Maker. Pet April 15. Portsmouth, April 30 at 11. Sol Paffard, jun, Portsea.
Hayward, Samuel, 1 Upper Berner-st, Commercial-rd East, Middlesex, Greengrocer. Pet April 16. London, May 6 at 11. Sol Smith, 15 Wilmington-sq.
Hawkes, Christian, High-st, Higham Ferrers, Northamptonshire, Butcher. Pet April 16. London, May 6 at 11. Sols Roscoe & Hincks, 14 King-st, Finsbury.
Hedley, John, 95 Bedford-st, North Shields, Tailor. Pet April 14. North Shields, April 30 at 11. Sol Adamson, North Shields.
Herson, John, Stamford, Lincolnshire, Timber Merchant. Pet April 15. Nottingham, April 30 at 11. Sol Law, Stamford.
Hirschmann, Albert, 4 Moorgate-st, London, Merchant. Pet April 14. London, May 6 at 10. Sol Linklater & Hackwood, 7 Walbrook.
Hyde, Samuel, Bitterne, Hampshire, Timber Dealer. Pet April 15. Southampton, May 8 at 12. Sol Mackey, Southampton.
Isaac, Thomas, 1 Castle-st, Morriston, Llangyfelach, Glamorganshire, Butcher. Pet April 8. Swansea, May 6 at 3. Sol Morris, Swansea.
Jenkins, Thomas, Eirw, near Pontypridd, Glamorganshire, Contractor. April 11. Cardiff, May 2 at 11.
Jewry, John, & Henry George Jewry, 28 College-green, Bristol, Boot and Shoe Manufacturers. Pet April 12. Bristol, April 28 at 11. Sols Miller Bristol, and Nalder, Bristol.
Jones, John, Monnow-st, Monmouthshire, Saddler. Pet April 12. Monmouth, April 30 at 12. Sol Roberts, Monmouth.
Jones, Roger, 32 Charles-st, Manchester, Tailor. Pet April 15. Manchester, May 6 at 9.30. Sol Dawson, Manchester.
King, Robert, & Kenneth Robson, Sheffield, Printers and Brass Turners. Pet March 29. Sheffield, May 3 at 10. Sol Broomhead, Sheffield.
Larmuth, Alfred John, 65 Thornton-pl, York-st, Portman-sq, Middlesex, Riding and Job Master. Pet April 16. London, May 3 at 11. Sol Smith, 15 Wilmington-sq, London.
Light, Adam, Netley-rd, Wooiston, Hampshire, Builder. Pet April 16. London, May 6 at 1. Sols Paterson & Son, 7 Bouverie-st, London, for Mackey, Southampton.
Lloyd, David, Towyn, Merionethshire, Coach Driver. Pet April 15. Liverpool, May 1 at 11. Sols Williams, Dolgelly, and Rymer, Liverpool.
Luck, Henry, Duston, Northamptonshire, Tailor. Pet April 15. Northampton, May 3 at 10. Sols Shield & White, Northampton.

Lusted, Thomas, Burwash, Sussex, Boot and Shoe Maker. Pet April 14. Tonbridge Wells, April 29 at 1. Sols Howard, Halse, & Trustram, 66 Paternoster-row.

Mathews, John, Gloucester, Boot and Shoe Maker. Pet April 15. Bristol, April 29 at 11. Sol Wilkes, Gloucester.

Maurice, Nathan, Neptune Hotel, Liverpool, and Havre, France, General Merchant. April 11. Newcastle-upon-Tyne, April 30 at 12. Sol Hoyle, Newcastle-upon-Tyne.

Meads, John Dring, 67 Carlisle-st, Lambeth, Surrey, Dealer in Bricks. Pet March 26. London, May 3 at 11. Sol Halse, 66 Paternoster-row.

Merrall, Reuben, 97 John-st, Tottenham-ct-rd, Middlesex, Journeyman. Pet April 16. London, May 3 at 13. Sol Scarth, 2 Bucklersbury.

Metcalf, Edwin, and Richard Newborn, East Retford, Nottinghamshire, Millers. April 8. Sheffield, May 3 at 10.

Monsey, William, 1 Portland-pl, Mumbles, Oystermouth, Glamorganshire, Surveyor. Pet April 8. Swansea, May 6 at 3. Sol Morris, Swansea.

Morris, Robert, Bridge-st, Haverfordwest, Grocer. Pet April 16. Bristol, May 1 at 11. Sols James & James, Haverfordwest, and Nalder, Bristol.

Munden, James, Slape Mills, Netherbury, Dorsetshire, Flax and Tow Spinner. Pet April 17. Exeter, May 7 at 12. Sols Manley, Bridport, and Hirtzel, Exeter.

Nabb, Robert, 3 North-st, Gorton, Agent. Pet April 15. Exeter, May 6 at 9.30. Sol Swan, Manchester.

Nash, William Henry, 73 Lansdowne-pl, Brighton, Commercial Traveller. Pet April 14. London, May 6 at 10. Sols Ashurst, Son, & Morris, 6 Old Jewry.

Neal, Joseph, Cape-lane, Smethwick, Staffordshire, Draper. Pet April 14. Birmingham, May 2 at 11. Sol Parry, Birmingham.

Netherwood, Thomas, Holmfirth, Yorkshire, Woollen Manufacturer. Pet April 14. Leeds, May 1 at 11. Sols Floyd & Learoyd, Huddersfield, and Bond & Barwick, Leeds.

Newman, Charles Samuel, 10 Sydney-pl, Stoke Newington, Middlesex, Commercial Traveller. Pet April 14. London, May 3 at 11. Sol Rushbury, 32 Coleman-st.

Nuttall, James, Ramsden-row, Rochdale, Roller Maker. Pet April 14. Rochdale, April 30 at 11. Sols J. & H. Standring, Rochdale.

Orme, Solomon, Chester, Silk Throwster. Pet April 14. Manchester, April 28 at 12. Sol Parrott, Macclesfield.

Owen, Isaac, 2 Westbury-st, Swansea, Builder. Pet April 11. Cardiff, May 6 at 3. Sol Morris, Swansea.

Owens, Samuel, and Richard Jones, Liverpool, Builders. Pet April 14. Liverpool, May 1 at 11. Sols Evans, Son & Sandys, Liverpool.

Poris, Vincent, 7 East-st, Finsbury-market, Buhl Cutter. Pet April 11 (in formâ pauperis). London, May 6 at 10. Sols Aldridge & Bromley, 46 Moorgate-st.

Pearson, George, Store-st Mills, Junction-st, Manchester, Machine Maker. Pet April 16. Manchester, April 30 at 11. Sols Crowther & Farington, Manchester.

Penny, Adolphus William, Birmingham, Lithographer. April 15. Birmingham, May 1 at 11. Sols James & Knight, Birmingham.

Pineger, George, Paul-st, Exeter, Grocer. Pet April 15. Exeter, April 30 at 11. Sol Fryer, St. Thomas the Apostle, Devonshire.

Potter, Isaac, Sible Hedingham, Essex, Gardener. Pet April 14. London, April 29 at 3. Sol Evans, 10 John-st, Bedford-row.

Powell, John, 75 Vauxhall-bridge-rd, Pimlico, Middlesex, Coffee-house Keeper. Pet April 14 (in formâ pauperis). London, May 1 at 12. Sol Aldridge, 46 Moorgate-st.

Ramsdale, Richard, Frodsham, Cheshire, Publican. April 11. Manchester, May 3 at 11.

Ratcliffe, William, Cowick-st, St. Thomas the Apostle, Devonshire, Boot and Shoe Maker. Pet April 15. Exeter, April 30 at 11. Sol Fryer, St. Thomas the Apostle.

Readdy, Joseph, 1 Belmont-pl, Studley-rd, Clapham-rd, Surrey, Commercial Traveller. Pet April 14 (in formâ pauperis). London, May 3 at 1. Sol Aldridge, 46 Moorgate-st.

Reeves, John, 5 Highfield-pl, Irving-st, Birmingham, Gun Band Filer. Pet April 15. Birmingham, May 5 at 10. Sol East, Birmingham.

Rheinlander, Christian, 65 Richardson-st, Bermondsey, Surrey, Baker. Pet April 14 (in formâ pauperis). London, May 3 at 11.30. Sols Aldridge & Bromley, 46 Moorgate-st.

Rose, William, 14 Straightsmouth, Greenwich, Hair Dresser. Pet April 14 (in formâ pauperis). London, May 6 at 11. Sol Aldridge & Bromley, 46 Moorgate-st.

Russell, Henry, 65 Carlton-rd, Kentish-town, Middlesex, Musician. Pet April 14 (in formâ pauperis). London, May 3 at 1. Sol Aldridge, 46 Moorgate-st.

Ryan, Samuel, Boundary-st, Liverpool, American Shipping Master. April 12. Liverpool, April 28 at 11.30.

Schofield, Samuel, Micklehurst, Cheshire, Stonemason. Pet April 17. Ashton-under-Lyne, May 1 at 12. Sol Toy, Ashton-under-Lyne.

Schuster, John Emanuel, 5 Lawrence-st, High-st, Bloomsbury, Shirt Dresser. Pet April 7. London, April 29 at 10. Sol Allin, 26 Bucklersbury.

Scott, Benoni, Cranage, Cheshire, Surgeon's Assistant. Pet April 17. Congleton, April 26 at 3. Sol Welch, Congleton.

Shales, William, 59 Myddleton-st, Clerkenwell, Middlesex, Grocer. Pet April 11 (in formâ pauperis). London, May 3 at 11. Sols Aldridge & Bromley, 46 Moorgate-st.

Sharland, Frederick Clarence, 4 Hartland-rd, Kentish-town, Middlesex, Clerk in the Privy Council Office. Pet April 11 (in formâ pauperis). London, April 30 at 12.30. Sol Aldridge, 46 Moorgate-st.

Simpson, Thomas, Liverpool, Builder. Pet April 15. Liverpool, May 1 at 11.30. Sol Harris, Liverpool.

Smedley, Ann, Alfreton, Derbyshire, Grocer. Pet April 15. Alfreton, May 8 at 1. Sol Neale, Matlock.

Smith, Edwin, 22 Newton-st, Birmingham, Zinc Worker. Pet April 15. Birmingham, May 5 at 10. Sol Allen, Birmingham.

Sneath, James, Hackthorpe, Westmoreland, Innkeeper. Pet April 12. Penrith, April 26 at 9. Sol Arnison, Penrith.

Southey, William Couszens, 34 Hendon-st, Warwick-st, Pimlico, Middlesex, Cabinet Maker. Pet April 14 (in formâ pauperis). London, May 6 at 12. Sol Aldridge, 46 Moorgate-st.

Taylor, William, East Lound, Haxey, Lincolnshire, Grocer. Pet April 15. Gainsborough, April 21 at 11. Sol Bladon, Gainsborough.

Tindall, George, 3 Albion-grove, Dalston, Middlesex, Shipping Agent. Pet April 14. London, April 29 at 10.30. Sols Norton, Son, & Elam, 37 Walbrook.

Todd, John, 17 Pleasant-pl, Holloway-rd, Middlesex, Cheesemonger. Pet April 14. London, April 29 at 10. Sol Morris, 11 Beaufort-bldgs, Strand.

Tremewan, John, Hendra, Withiel, Cornwall, Cordwainer. Pet April 11. Bodmin, April 26 at 10. Sol Commins, Bodmin.

Ward, William, 18 St. George's-pl, High-st, Camberwell, Surrey, Currier. Pet April 14 (in formâ pauperis). London, May 3 at 11.30. Sols Aldridge & Bromley, 46 Moorgate-st.

Wells, John Barrett, King's Lynn, Norfolk, Publican. Pet April 12. King's Lynn, May 2 at 11. Sol Nurse, King's Lynn.

Whinnam, John, Whitley Hill, Heads, near North Shields, Travelling Draper. Pet April 14. North Shields, April 30 at 11. Sol Adamson, North Shields.

Whitehouse, Isaac, Tipton, Staffordshire, Fruiterer. Pet April 15. Birmingham, May 5 at 12. Sols James and Knight, Birmingham.

Wild, Charles, Cheesbottom, near Barnsley, Farmer. Pet April 14. Sheffield, April 30 at 2. Sols Smith & Atkinson, Doncaster.

Williams, John William, Pwllheli, Carnarvonshire, Draper. Pet April 17. Liverpool, April 23 at 11. Sols Evans, Son, & Sandys, Liverpool.

Wilkinson, James Riding, Blackburn, Chemist and Druggist. Pet April 15. Manchester, April 29 at 12. Sol Ambler, Manchester.

Wilson, Thomas, Coventry, Miller. Pet April 14. Birmingham, April 28 at 12. Sols Minster & Son, Coventry, and Reece, Birmingham.

Wood, John Brearley, 107 Oxtar-rd, Birkenhead, Cotton Broker. Pet April 15. Birkenhead, May 5 at 10. Sol Pemberton, Liverpool.

Worger, William James, 37 Earle-st, Brighton, House Painter. Pet April 16. Brighton, May 5 at 11. Sol Runnacles, 21a Ship-st, Brighton.

Tuesday, April 22, 1862.

Abbott, James, Oundle, Northamptonshire, Baker. Pet April 17. Oundle, May 3 at 10. Sol Law, Stamford.

Aldworth, William, Oxfordshire, Corn and Coal Merchant. Pet April 17. London, May 6 at 1. Sols Parker, Rooke, & Co, 17 Bedford-row, for Dudley, Oxford.

Arkley, John, Quayside, Newcastle-upon-Tyne, Butcher. April 16. Newcastle-upon-Tyne, May 6 at 11.30. Sol Hoyle, Newcastle-upon-Tyne.

Armstrong, George, Crowsyke Head, Stapleton, Cumberland, Cattle Dealer. Pet April 17. Brampton, May 15 at 11. Sol Wannop, Carlisle.

Ashton, Thomas, 15 Ivy-lane, Newgate-st, and 16 Princes-sq, St. George's-in-the-East, Middlesex, Provision Dealer. Pet April 17. London, May 3 at 12. Sol Juckes, 19 Basinghall-st.

Barns, Joseph, New Malton, Yorkshire, Attorney and Solicitor. Pet April 16. New Malton, May 7 at 11. Sol Dale, York.

Batham, Mary, Notting Dale, Notting-hill, Middlesex. April 16. London, May 6 at 12. Sol Aldridge, 46 Moorgate-st.

Beacham, James, Clevedon, Somersetshire, Beer-house Keeper. Pet April 14. Bristol, May 8 at 12. Sol Shipton.

Bickle, John, Northlew, Devonshire, Farmer. Pet April 19. Okehampton, May 5 at 11. Sol Fulford, Okehampton.

Bridgens, Charles, Arundel-st, Sheffield, Brass Founder. Pet April 17. Sheffield, May 7 at 2. Sol Binney, Sheffield.

Brown, Benjamin, 13 Lucas-pl, Battersea-fields, Surrey. April 16. London, May 6 at 12. Sol Aldridge, 46 Moorgate-st.

Bulwer, Joslin, 11a Lewis-st, Kentish-town, Middlesex. Pet April 17. London, May 6 at 11. Sol Renner, 29 Bedford-row.

Burton, Joseph, Ashton-under-Lyne, Currier. Pet April 17. Manchester, May 3 at 11. Sols Brooks & Co, Manchester.

Cadd, William, Bideford, Devonshire, Grocer and Druggist. Pet March 31. Bideford, May 3 at 11.30. Sol Terrell, Exeter.

Cannon, James, Hall's-ct, Spitalfields, Liverpool, Fruiterer. April 12. Liverpool, May 2 at 1. Sols Evans, Son, & Sandys, Liverpool.

Charlton, Thomas Edward, 18 Buxton-st, Newcastle-upon-Tyne, Provision Dealer. April 16. Newcastle-upon-Tyne, May 6 at 11. Sol Hoyle, Newcastle-upon-Tyne.

Clarke, Samuel, Bromsgrove, Worcestershire, Innkeeper. Pet April 9. Birmingham, May 5 at 12. Sol Hawkes, Birmingham.

Cooke, Henry Douglass, 5 Herne-pl, Dulwich-rd, Brixton, Surrey, Painter. Pet April 14. London, May 6 at 11. Sol Downey, 2 Frederick-pl, Kennington-rd.

Cross, Thomas, Great Bridge, Staffordshire, Ironmaster. Pet April 17. Birmingham, May 5 at 12. Sols James & Knight, Birmingham.

Curtis, Job, Bristol, Provision Merchant. Pet April 14. Bristol, May 6 at 11. Sols Vassall & Parr, Bristol.

Davies, Thomas, Alma-pl, Morville-st, Ladywood, Birmingham, Builder. Pet April 17. Birmingham, May 5 at 10. Sol East, Birmingham.

Davy, Job, Commercial Dock Tavern, Plough-rd, Rotherhithe, Surrey, Builder. Pet April 15. London, May 6 at 10. Sol Howell, 15 Bow-lane.

Denbigh, Frederick William, Goodge-st, Tottenham-ct-rd, Middlesex, Dealer in Hams and Tongues. Pet April 17. London, May 3 at 12. Sols Treherne & Co., Gresham-st.

Devall, Smith, 16 Theyer-st, Marylebone, Middlesex. Pet April 8 (in formâ pauperis). London, May 6 at 12. Sol Aldridge, 46 Moorgate-st.

Devenport, George, Fenton, Stoke-upon-Trent, Grocer. Pet April 16. Stoke-upon-Trent, May 3 at 10. Sol Litchfield, Newcastle-under-Lyme.

Eccles, James, 19 Bury-rd, Rochdale, Builder. Pet April 17. Rochdale, May 8 at 11. Sol Holland, Rochdale.

Evans, John, High-st, Fulham, Fishmonger. Pet April 17 (in formâ pauperis). London, May 3 at 12. Sols Aldridge & Bromley, 46 Moorgate-st.

Fitzcosta, Joseph, 55 Cirencester-st, Harrow-rd, Middlesex. Pet April 7 (in formâ pauperis). London, May 6 at 11.30. Sol Aldridge, 46 Moorgate-st.

Gregory, Edward, 74 and 76 Bridge-st, Frectown, Bury, Provision Dealer. Pet April 17. Manchester, May 2 at 11. Sols Sutton, Manchester, and Anderton, Bury.

Green, John, Birmingham, Commission Agent. Pet April 17, Birmingham, May 9 at 12. Sols James & Knight, Birmingham.

Green, William, Benson, Oxfordshire, Road Contractor. April 14. Wallingford, May 2 at 12. Sol Thompson, Oxford.

Grey, Isabella, South Shields, Licensed Victualler. Pet April 15. South Shields, May 3 at 11. Sol Duncan, South Shields.

Grisdale, James, Naworth-Keep, Brampton, Cumberland, Commission Agent. Pet April 17. Brampton, May 15 at 11. Sol Forster, Brampton.

Haines, Joseph, Bridge-st, Chepstow, Monmouthshire, Boot and Shoe Maker. Pet March 21. Chepstow, May 9 at 12. Sol Roberts, Monmouth.

Hammond, William, Harwich, Licensed Victualler. Pet April 16. London, May 6 at 12.30. Sol Champ, 14 University-st, London.

Harvey, John, 2 Lilac-place, Lyncombe and Widcombe, Bath, Gasfitter and Bellhanger. Pet April 16. Bath, May 2 at 11. Sol Bartrum Bath.

Harvey, Henry, 25 Hatton-garden, London, Gas Fitter. Pet April 17. London, May 6 at 11. Sols Chilton & Co., 25 Chancery-lane, for Rowlinson, Birmingham.

Ingham, Edwin Buckley, Curzon-st, and Manchester-st, Oldham, Valuer Agent. Pet April 19. Manchester, May 3 at 11. Sol Swan.

Johnson, Samuel, 44 Warren-st, Liverpool, Licensed Victualler. Pet April 19. Liverpool, May 5 at 11. Sols J. & H. Hindle, Liverpool.

Jones, David, 36 Victoria-st, Merthyr Tydfil, Tailor and Draper. Pet April 17. Merthyr Tydfil, May 5 at 11. Sol Forwood, Merthyr Tydfil.

Lawson, John, York, Guano Dealer. April 15. Leeds, May 5 at 11.

Lepipre, Horatio James, Saint John's-road, Hillingdon, Middlesex. Pet April 17 (in formâ pauperis,) London, May 3 at 12. Sols Aldridge & Bromley, 46 Moorgate-st.

Linsdale, Oliver, 10 Coventry-st, Birmingham, Coppersmith. Pet April 17. Birmingham, May 5 at 10. Sol Allen, Birmingham.

Loveridge, Frederick William, Yorkshire-st, Oldham, Wine Merchant. Pet April 16. Oldham, May 1 at 12. Sol Swan, Manchester.

Lucas, Benjamin, Pinner, Middlesex, Coal Merchant. Pet April 17 (in formâ pauperis.) London, May 6 at 12. Sols Aldridge & Bromley, 46 Moorgate-st.

Newman, Edward, Bromyard, Herefordshire, Farmer. Pet April 8. Bromyard, May 2 at 11. Sol Badham, Bromyard.

Parker, Thomas, 12 Crescent-place, Newcastle-upon-Tyne, Commission Agent. Pet April 8 (in formâ panperis). Newcastle-upon-Tyne, May 3 at 11. Sol Hoyle, Newcastle-upon-Tyne.

Parker, John, Harp Inn, Newtown, Montgomeryshire. Pet April 17. Newtown, May 7 at 11. Sol Jones, Newtown.

Pattison, John, Gateshead, Farmer. Pet April 16. Newcastle-upon-Tyne, May 6 at 12. Sols J. & R. S. Watson, Newcastle-upon-Tyne.

Payne, Henry, Hill-st, Upper Clapton, and Grove-road, Stamford-hill, Middlesex, Fly Proprietor. Pet April 14. London, May 6 at 11. Sol Kirkman, Great St. Helens.

Pearson, John, 15 Queen's-parade, Bristol, Commission Agent. Pet April 9. Bristol, May 5 at 11. Sol Brittan, Bristol.

Perry, Thomas, Parliament-st, Derby, Provision Dealer. Pet April 11. Derby, May 6 at 12. Sol Flewker, Derby.

Pike, James Sambles, Winchmore-hill, Middlesex, Nurseryman. Pet April 17. London, May 6 at 12. Sols Harrison & Lewis, 6 Old Jewry.

Pickering, Jonathan, Manchester, Smallware Manufacturer. Pet April 17. Manchester, May 3 at 11. Sols Foster & Co, Manchester.

Piper, Alfred, Grove-hill-rd, Tonbridge Wells, Kent, Labourer. Pet April 16. Hastings, May 7 at 11. Sol Trustram, Tonbridge Wells.

Price, James, Friar's-st, Hereford, Fish Dealer and Fruiterer. April 8. Hereford, May 6 at 10.

Pritchard, Elias, Everton, Lancashire, Provision Dealer. Pet April 19. Liverpool, May 5 at 3. Sol Roby, Liverpool.

Purslow, John, 25 Upper King-st, Bloomsbury, Middlesex, Tailor. April 16. London. May 6 at 12. Sols Aldridge & Bromley, 46 Moorgate-st.

Rees, Richard, Llanelly, Cabinet Maker. April 11. Cardiff, May 5 at 12.

Reynolds, Joseph James, Cheam, Lower Norwood, Surrey, Broker. April 17. London, May 6 at 12. Sols Aldridge & Bromley, 46 Moorgate-st.

Russell, Sarah, George-st, Oldham, Provision Dealer. Pet April 11. Oldham, May 1 at 12. Sol Ascroft, Oldham.

Russell, Francis, Birmingham, Cab Proprietor. Pet April 19. Birmingham, May 9 at 12. Sol Smith, Birmingham.

Sanders, Arthur Isaac, Hatherleigh, Devonshire, Butcher. Pet April 19. Okehampton, May 5 at 11. Sol Cohan, Holsworthy, Devonshire.

Shuttleworth, Isaac, Brasshouse-lane, Smethwick, Staffordshire, Kiln Man. Pet April 19. Oldbury, May 14 at 10. Sol Shakespeare, West Bromwich.

Simpson, Thomas, 78 Canal-st, Wolverhampton, Baker. Pet. Wolverhampton, May 5 at 12. Sol Thurstons, Woolverhampton.

Simpson, John, 15 Melbourne-st, Newcastle-upon-Tyne, Publican. Pet April 17 Newcastle-upon-Tyne, May 3 at 11. Sol Wanless, Newcastle-upon-Tyne.

Sims, Henry Sismore, Upwell, Norfolk, Grocer and Draper. Pet April 17. Wisbech, May 8. Sol Ollard, Upwell.

Strange, William Paul, 3 Britannia-pl, Pangwell-rd, Bristol. April 16. Bristol, May 8 at 12. Sol Brittan.

Sutton, Richard, Birmingham, Provision Dealer. Pet April 19. Birmingham, May 5 at 12. Sol Fitter, Birmingham.

Tempany, Andrew John, 3 Little Wilde-st, Drury-lane, Middlesex, Attorney's Clerk. Pet April 17 (in formâ pauperis). London, May 6 at 12.30. Sol Aldridge, 46 Moorgate-st.

Thomas, Charles, Bloxwich, Staffordshire, Butcher. April 16. Birmingham, May 9 at 12. Sols James & Knight, Birmingham.

Thompson, George, Wharton, Cheshire, Salt Manufacturer. Pet April 19. Liverpool, May 5 at 12. Sols Dodge & Wynne, Liverpool.

Thompson, John, Ambleside, Grasmere, Westmoreland, Painter and Glazier. April 11. Ambleside, April 30 at 12. Sol Nicholson, Ambleside.

Tizard, Charles, Bilston, Grocer. Pet. Wolverhampton, May 5 at 12. Sol Waterhouse, Bilston.

Turbill, Joseph, Bromyard, Herefordshire, Builder. Pet April 17. Birmingham, May 9 at 12. Sols West, Bromyard, and Richards & Gillam, Birmingham.

White, Jacob, Tockenham, Wilts, Thatcher and Labourer. Pet April 17. Swindon, May 10 at 11. Sol Whatley, Cirencester.

Willows, Henry, Goxhill, Lincolnshire, Yeoman. April 4. Kingston-upon-Hull, May 14 at 12. Sols Bond & Barwick, Leeds.

Wood, Benjamin, 10 Mount Ephraim, Tonbridge Wells, Kent, Editor of the "Kent Pioneer." Pet April 17. Tonbridge Wells, May 3 at 12. Sol Rogers, Tonbridge.

Woodhams, William Walter, Hailsham, Sussex, Farm Labourer. Pet April 8. Lewes, April 30 at 11. Sol Goddard, Hailsham.

Yates, Charles, County Police Station, Oxford, Inspector of Police. Pet April 17. Oxford, May 7 at 10. Sols Dayman & Walsh, Oxford.

BANKRUPTCIES ANNULLED.

FRIDAY, April 18, 1862.

Bell, James, & Joel Bell, Manchester, Silk Manufacturers. April 16.

Geddes, Jane, 7 Albion-pl, Hyde-park, Middlesex, Widow, Baker. April 15.

Wheeldon, John, Butterton, Mayfield, Staffordshire, Cattle Dealer. April 4.